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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Exploitation of child labour

Report by the Secretary-General

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I. INTRODUCTION

1. At its fiftieth session, the General Assembly adopted resolution 50/153 of 21 December 1995 on the rights of the child, in which, inter alia, it called upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular the protection from performing any work that was likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. The Assembly also urged Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery.

2. In paragraph 22 of the same resolution, the General Assembly requested the Secretary-General, in cooperation with the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and other relevant actors, to report on current initiatives and programmes of the United Nations and its affiliated agencies addressing the exploitation of child labour and on how to improve cooperation at the national and international levels in this field.

3. The present report is submitted in pursuance of the above request of the General Assembly. The report begins with a brief overview of the phenomenon of the exploitation of child labour followed by a review, in section III, of current international initiatives and programmes aimed at combating the exploitation of child labour. Section IV presents proposals on how to improve cooperation in order to better combat the exploitation of child labour at the national and international levels are elaborated.

II. BRIEF OVERVIEW OF THE PHENOMENON

4. According to the International Labour Organization, the extent of child labour in figures is hard to gauge, since the necessary statistics are scarcely available anywhere. However, surveys carried out in several countries and available statistics indicate that there are tens or even hundreds of millions of children working today throughout the world. The lack of reliable and comparable statistical data also makes it impossible to assess the trend of child labour over time. According to some experts, the proportion of working children has increased in various parts of the world in the last 15 years owing to factors encouraging the supply of child labour.

5. Child labour is a problem not only in terms and proportion of children affected, but also, and more importantly, in terms of the risks and abuse to which those children are exposed at work. First, many children are put to work at a very early age, often as young as they are 5 or 6 years. Secondly, work is often a permanent activity, takes up long hours each day and is therefore difficult to reconcile with school attendance. While it is true that many children who work continue to attend school, it is just as true that many others, 30 to 50 per cent of the working children, depending on the country, stop going to school altogether. Thirdly, many children work under conditions that seriously impair their dignity and physical and/or emotional development.

In recent years, the international and national communities have regularly denounced the bonded labour to which millions of children are subject, the trafficking in children from rural areas or neighbouring countries for employment or prostitution in cities and the severe ill-treatment of street children.

6. The World Congress against the Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996, firmly condemned the use and abuse of children, who are commonly treated as a cheap labour force and as commercial objects.

7. It should be noted that the United Nations and the relevant specialized agencies as well as non-governmental organizations (NGOs) have devoted considerable time and energy in combating all forms of exploitation of children.

III. INITIATIVES AND PROGRAMMES

A. International human rights instruments

1. Convention on the Rights of the Child

8. The coming into force of the Convention on the Rights of the Child constitutes an important development in the struggle against child labour through the formal legal commitment undertaken by the quasi-totality of the world community (178 States) to protect and promote the rights of the child. The Convention currently represents the most comprehensive international instrument for the promotion and protection of the rights of the child which, if effectively implemented, can significantly contribute to the elimination of child labour.

9. Among the rights spelled out in the Convention, there is a specific provision in article 32 by which States parties recognize and guarantee, through legislative, administrative, social and educational measures, the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. Other international human rights instruments

10. In implementing the articles of the Convention on the Rights of the Child, including the provisions of its article 32, due regard should be given to the relevant provisions of other international instruments. A number of measures are specifically spelled out in article 32, such as the provision of a minimum age for admission to employment, of appropriate regulation of the hours and conditions of employment, and of penalties and sanctions to ensure effective enforcement. Various standards have been adopted by the ILO in these areas, including in particular the Forced Labour Convention, 1930 (No. 29), which prohibits forced labour in most of its forms, and the Minimum Age Convention 1973 (No. 138), designed to prevent the exploitation of child labour, which sets

the minimum age for work at not less than the age of completion of compulsory schooling and in any case not less than 15 years (14 years for developing countries) and for work likely to harm health, safety or morals, at no less than 18 years.

11. Mention should also be made of the provisions of article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights, calling for the protection of children from economic and sexual exploitation, and making punishable by law children's employment in work harmful to their morals or health or dangerous to life or likely to hamper their development. Equally, article 8 of the International Covenant on Civil and Political Rights prescribes the prohibition of slavery and the slave trade in all their forms as well as recognizing the right of everyone not to be held in servitude.

12. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted in 1949, requires States parties to introduce measures designed to prevent prostitution and rehabilitate prostitutes and to check the traffic in persons for the purpose of prostitution. The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, which has broadened the definition of slavery initially provided in the 1926 Slavery Convention drawn up by the League of Nations, also calls upon States parties to take all practicable and necessary legislative and other measures to bring about, inter alia, the abolition of institutions and practices whereby a child is delivered to another person with a view to the exploitation of the child or his/her labour.

3. World Conference on Human Rights

13. The Vienna Declaration and Plan of Action (1993) also contains a number of references to issues relating to children's rights particularly as regards action to be taken to combat exploitative child labour, including the following:

> "The World Conference on Human Rights urges all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances. Exploitation and abuse of children should be actively combated, including by addressing their root causes. Effective measures are required against ... harmful child labour ..."
>
> "The World Conference on Human Rights recommends that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system and by the supervisory bodies of the specialized agencies in accordance with their mandates."
>
> "The World Conference urges all nations to undertake measures to the maximum extent of their available resources, with the support of international cooperation ... The Conference calls on States to integrate the Convention on the Rights of the Child into their national action plans. By means of these national action plans and through international efforts,

particular priority should be placed ... on providing access to ... basic education". 1/

14. Within the context of the satellite meetings organized prior to the World Conference on Human Rights, a regional seminar on the subject of children in bondage was held at Islamabad, Pakistan, from 23 to 26 November 1992. At the meeting, which was organized by the ILO in collaboration with the Centre for Human Rights, a programme of action against child bondage was adopted. The programme of action endeavoured to provide an overview of the problem of child bondage as well as the measures required to combat this basic violation of children rights. A number of suggestions were formulated as regards a framework for policy measures and action to be taken in the field of legislation and its enforcement. The programme also outlined the educational, training and rehabilitation activities, community mobilization and information campaigns which should be undertaken. It was suggested that this regional programme of action should be followed by the development of national programmes of action.

B. International human rights mechanisms

1. International Labour Organization

15. A number of the international instruments adopted under the auspices of the International Labour Organization have established monitoring bodies to scrutinize the situation at the national level and to seek preventive and remedial measures against exploitative child labour. The ILO has also created several mechanisms to supervise compliance of its various conventions and to consider complaints filed by employer or worker organizations.

16. The ILO's main instrument on child labour today is the Minimum Age Convention, 1973 (No. 138), and the adoption of legislation fixing a minimum age below which children should not be allowed to engage in an economic activity has been one of the fundamental elements of a coherent national strategy against child labour. The ILO finds it regrettable that the convention has been ratified only by 49 countries, 21 of which are developing countries, and that these do not include any in Asia. This situation is considered all the more serious in view of the fact that the Copenhagen Declaration adopted by the World Summit for Social Development in March 1995 includes Convention No. 138 in the group of the ILO conventions judged essential for the defence of workers' basic rights and interests. The Office for Discussion at the Informal Tripartite Meeting at the Ministerial Level on 12 June 1996 (the Office) has appealed to those member States that have not done so to ratify this instrument. At the same time, it has requested the Governing Body to include an item on child labour in the agenda of the 1998 session of the International Labour Conference with a view to adopting new international standards on child labour. The objective is to strengthen the arsenal of ILO standards with a binding instrument geared to banning the most intolerable forms of child labour. The Office is of the view that a new convention of this kind would have a good chance of being ratified by a very large number of both industrialized and developing countries; it would also strengthen the ILO's authority in the worldwide fight against child labour and provide clear guidelines for technical cooperation.

17. The ILO has other means of assisting its member States in the field of child labour. One of them is to collect and disseminate information in a systematic manner on what is being done to reduce the extent of child labour or to improve the conditions in which children work. Another means is action-oriented research. The ILO felt it essential to strengthen the complementarity between research and technical cooperation by regularly providing ideas required for the technical cooperation projects under its International Programme on the Elimination of Child Labour (IPEC).

18. The role of technical cooperation is to bring national law and practice more in line with the models proposed by international labour standards. In the case of child labour, the proposed model is its total and effective abolition. Consequently, direct assistance provided by the ILO to member States must ensure that a real step is taken towards the abolition of child labour and, especially, that its most intolerable forms are not tolerated any longer. The pragmatic approach adopted by IPEC consists of going straight to essentials and endeavouring to put an end to forms of child labour that are manifestly harmful to them. This programme, which became operational in 1992 thanks to a generous donation from the Government of Germany, is the new framework set up by the ILO to stimulate and organize collaboration among its member States in the fight against child labour. Eight additional donors have joined the programme; from only six in 1992-1993, a total of more than 20 countries benefit from its assistance in 1996-1997; and promising results have already been achieved.

2. Commission on Human Rights

19. Upon the recommendation of the Working Group on Contemporary Forms of Slavery, the Commission on Human Rights in 1990 appointed a Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, who has contributed and continues to contribute, through reports to the Commission on Human Rights and field missions to various countries, to an increased awareness about problems concerning, inter alia, the exploitation of child labour.

20. After their elaboration by the Working Group on Contemporary Forms of Slavery, the Commission on Human Rights adopted two programmes of action respectively in 1992 and 1993 on the sale of children, child prostitution and child pornography and for the elimination of the exploitation of child labour. These programmes constitute detailed sets of measures indicating the various approaches that Governments, United Nations bodies, specialized agencies and other competent bodies including NGOs should take to implement the rights of the child in relation to the sale or sexual exploitation of children or child labour. The programmes envisage a wide range of activities in the fields of information and awareness-raising, education and training, social action and legislation. They also call for cooperation at the local, national and international levels.

3. Subcommission on Prevention of Discrimination and Protection of Minorities

(a) Working Group on Contemporary Forms of Slavery

21. The Slavery Conventions are monitored through the activities of the Working Group on Contemporary Forms of Slavery established by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Working Group meets every year in Geneva to receive reports on legal standards, violations and remedial action from Governments, United Nations bodies, specialized agencies and other competent bodies. As stated above, the Working Group has elaborated the two programmes of action on the sale of children, child prostitution and child pornography; and for the elimination of the exploitation of child labour.

22. In accordance with Commission on Human Rights resolution 1993/79 of 10 March 1993, by which the Commission adopted the Programme of Action for the Elimination of the Exploitation of Child Labour, and in particular with its paragraph 7 in which the Commission requested all States periodically to report to the Subcommission on measures adopted to implement the Programme of Action and on the effectiveness of such measures, the Subcommission has established, through the Working Group, a follow-up of the implementation of the programmes of action by States. The first report of the Subcommission was submitted in 1994 and contained the replies of 24 States. The second report was submitted at the forty-seventh session of the Subcommission and contained replies of 5 States.

23. The Working Group considers these reports under its agenda item entitled "Review of information received regarding the implementation of the conventions and programmes of action". It has noted that, although almost all States have enacted legislation aimed at combating the exploitation of child labour the problem lay in the follow-up of the implementation of such laws. The Working Group had therefore, inter alia, encouraged States to make efforts in implementing and following up the implementation of those laws.

24. The Working Group, being very much concerned at the exploitation of child labour, has included two closely-related items in its agenda on child labour and bonded labour. The Working Group pays particular attention to all information on the issues and makes its recommendations to the Subcommission and to the Commission on Human Rights. During the last few years, it has established a very fruitful dialogue with some of the States which face the problematic situations despite their legislative efforts.

4. Committee on the Rights of the Child

25. The Committee on the Rights of the Child, through its monitoring of the implementation of the Convention on the Rights of the Child, has a unique role to play as a focal point within United Nations system-wide action. Through its reporting system, the Convention ensures a periodic assessment and evaluation of progress achieved by States parties in the implementation of the Convention. It provides the opportunity for identifying, together with other relevant United Nations organs and agencies and other competent bodies, gaps and shortcomings in

the realization of the rights of the child and for mobilizing international cooperation in order to provide technical advice or assistance when needed. The consideration of a number of initial reports submitted by Governments clearly illustrated the wide scope of child labour-related problems and justified the decision by the Committee to devote one day of general discussion, the purpose of which is to enhance a deeper understanding of the Convention, to the topic of the economic exploitation of children, including child labour.

26. In October 1995, the Committee on the Rights of the Child participated in a consultation on child labour organized in the framework of its regional consultation in the South Asian region. The consultation provided the opportunity for members of the Committee to identify the specific strategies followed in the countries concerned to prevent and combat the exploitation of children through work, to ensure the effective protection of children's rights and to abolish child labour. During the debate, emphasis was placed upon the Convention as a basis for the consideration of policies designed to address child labour, due respect being paid to the general principles of non-discrimination, respect for the views of the child, survival and development of the child and the best interests of the child as a primary consideration in all measures adopted. In situations where legal work was performed, providing for minimum ages for admission to employment and for appropriate regulation of the hours and conditions of employment was of a decisive importance. The abolition of child labour was identified as an essential and urgent goal and the need was recognized for specific national strategies to be defined to achieve it, with a stress on compulsory education. The need to address the informal as well as formal sector was underlined, and the strengthening of international cooperation, in particular between UNICEF and the ILO, was encouraged as a means of fostering the realization of children's rights in that important field.

5. UNICEF

27. In accordance with article 32 of the Convention on the Rights of the Child, UNICEF supports a number of country-specific programmes which address child labour. These include education, health, street children, legislative review and programmes addressing the commercial sexual exploitation of children. Particular attention is paid to the condition of minority children, who more frequently find themselves afflicted. Initiatives such as rug-mark and a UNICEF procurement policy which bind producers of goods to a commitment not to employ child labour are being complemented by public awareness-raising efforts. As part of UNICEF's broader efforts to review its own policy and strategy vis-à-vis child labour, it sponsored a consultation in South Asia, in cooperation with the ILO, the Committee on the Rights of the Child, and NGOs. Other initiatives include the dedication of the report "The State of the World's Children 1997", to an analysis of child labour worldwide and the drafting of several papers for the World Congress against the Commercial Sexual Exploitation of Children.

IV. IMPROVING COOPERATION AT THE NATIONAL AND INTERNATIONAL LEVELS

A. Recommendations at the national level

28. The general discussion on child labour held by the Committee on the Rights of the Child produced a number of recommendations by the Committee aiming at the establishment of a national mechanism for coordinating policies with regard to protection from economic exploitation, in order to ensure a global and multidisciplinary approach in this area; the launching of wide information campaigns addressed to children, and to the public in general, and the initiation of training of special professional groups; the recognition of education as an essential preventive measure to counter situations of economic exploitation of children through making primary education compulsory and free for all children and using the Convention as an incentive to encourage the participation of children in school and social life; the protection of children against economic exploitation by strictly forbidding a number of particularly harmful activities, formulating standards or revising existing legislation in order to ensure the legal protection of the child from any form of exploitation; and the adoption of measures to ensure the rehabilitation of children who, as a result of economic exploitation, are exposed to serious physical and moral danger.

29. At the national level, the Convention on the Rights of the Child has helped to integrate child labour issues into a broader concern for children's rights, which has resulted in the passing of new legislation geared towards an improvement of the legal protection provided to the child. It has allowed for an increased awareness of and sensitization towards the problem of child labour and stimulated data collection and research on the issue, and it has encouraged Governments to rethink national development priorities and envisage global strategies for the effective enjoyment by children of all their rights.

30. For example, the Committee has suggested that through years of considerable experience accumulated by the international instruments and mechanisms concerning the question of child labour, advisory services and technical assistance have been requested not only in the area of legal reforms and preventive campaigns to address the issue of child labour but also with regard to evaluating the adequacy of measures taken to deal with issues of the exploitation of children.

31. Requests for technical assistance in the area of child labour have also been made to UNICEF. Suggestions have also been framed in more general terms with respect to international assistance to improve the situation of children in especially difficult circumstances and continuing cooperation of the Government with intergovernmental organizations and NGOs.

32. In spite of all the measures described above, efforts still need to be made to improve cooperation and coordination among the Governments concerned, national non-governmental bodies and specialized agencies which carry out projects in the country concerned.

33. At the national level, the basic legislative framework for addressing child labour issues already exists in most countries. The very complexity of the

problem requires clear political commitment, willingness and ability to take measures necessary for a dramatic reduction and the eventual elimination of the incidence of exploitative child labour. The holistic perspective of the Convention offers the framework for focusing more closely on preventive measures to address the problem and to insist that greater resources be diverted towards such preventive measures, particularly in times of economic recession when basic human needs and social priority budgets come under more severe pressure.

34. It is clear that none of the actors in the fight against child labour is able to solve it alone, and that the fight concerns everyone. Although non-governmental organizations have taken numerous initiatives, sometimes with the support of municipal authorities, the number of child workers they have reached represents an infinitesimal proportion of those needing protection. Therefore, Governments should be mobilized, through such ministries as education, health, the family, public information, and economic and social development planning. Furthermore, initiatives should not be limited to government institutions at the central State level, but should closely involve the municipal level as well. Employer's and workers' organizations also have an essential role to play (in that regard, Governments should also cooperate with trade unions and employers' organizations to address the problem of child labour) as do other NGOs, the media, universities, members of parliament and teachers. All groups of society have to be involved in the fight against child labour.

35. Governments, in cooperation with different actors, could create pilot projects geared to withdrawing children from particularly harmful work situations, first by providing them with the essential services they need, such as shelter, food and health care, and then by offering them viable alternatives, to help them to gain access to school, apprenticeship services and pre-vocational training, or another remunerated activity in a sheltered workshop. Then, the results of these projects should be evaluated.

36. Adequate training should be provided to the staff involved in combating exploitation of child labour, employees of ministries and municipalities, labour inspectors, trade unionists, representatives of employers' organizations and NGO workers.

B. Recommendations at the international level

37. The High Commissioner for Human Rights is committed to improving the protection and promotion of children's rights through increased inter-agency coordination and cooperation and to strengthening the support being given to the work of the Committee; it is therefore important to take pragmatic steps for effective cooperation. The High Commissioner, attaching great importance to the effective implementation of the rights of the child, has developed, after extensive consultations with the Committee on the Rights of the Child, a plan of action to strengthen substantive support for the Committee's work and to provide whatever resources may be necessary for the implementation of its recommendations. The implementation of the plan of action calls for increased inter-agency and non-governmental organization coordination.

38. The Committee on the Rights of the Child requested the High Commissioner to keep it informed of the progress made by States parties in implementing the recommendations of the Committee and, therefore, on any need for assistance for that purpose. This request has led to a process of interaction between the Committee, the Governments concerned, civil society and international partners.

39. With regard to technical cooperation projects provided to countries, improved coordination between the Office of the High Commissioner, the Committee on the Rights of the Child and the ILO/IPEC projects will help establish priorities. It should be noted that the Committee paid particular attention to effective national-level monitoring and coordinating mechanisms as a means to promote national implementation of the Convention. Furthermore, ILO/IPEC aims to use a dual approach to achieve the progressive elimination of child labour, first by strengthening national capacities to address child labour problems and second by creating a worldwide movement to combat child labour. In that regard, ILO/IPEC strives, inter alia, to support, rather than supplant, national efforts to combat child labour and to build sustainability into all demonstration programmes from the start and assess their potential for integration into regular programmes of the partner organizations. In that context, the Committee and ILO/IPEC should take into consideration their respective recommendations when they determine which country to support and what kind of assistance is needed.

40. The High Commissioner wishes to support the international efforts needed to make school education available to all in a concrete and effective manner in order to provide an alternative to children to exploitative labour, including prostitution. In this regard, one may recall the Committee's decision that "National development programmes should give priority to giving each child access to a good school." The High Commissioner supports the Committee's recognition of the crucial need for international cooperation in achieving this goal, involving not only UNESCO but also UNICEF, and would like to suggest the active involvement of UNDP, the World Bank and IMF as well as the donor community in such discussions.

41. Finally, international organizations may be able to make their own concrete contributions to the elimination of child labour by adopting procurement policy similar to that of UNICEF.

Notes

1/ A/CONF.157/24 (Part I), chap. III, paras. 48, 51 and 47.

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PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people

Report of the Secretary-General

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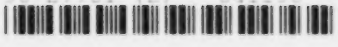

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I. INTRODUCTION

1. The General Assembly, in its resolution 50/157 of 21 December 1995, recommended that the Secretary-General, drawing on the expertise of the Commission on Human Rights, as well as the Commission for Sustainable Development and other relevant bodies, undertake a review, in close consultation with Governments and taking into account the views of indigenous people, of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people, and report to the General Assembly at its fifty-first session. The Assembly also recommended that the Commission on Human Rights, drawing on the results of the review and the first workshop on the possible establishment of a permanent forum, held at Copenhagen in 1995, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people.

2. In its resolution 1996/41 of 19 April 1996, the Commission on Human Rights decided to continue its consideration of a second workshop on the possible establishment of a permanent forum for indigenous people at its fifty-third session. It requested the Secretary General to have the review completed and circulated to Governments, relevant intergovernmental organizations and indigenous organizations for their comments well in advance of the fifty-first session of the General Assembly.

3. At its fifty-second session, the Commission on Human Rights also urged the relevant United Nations bodies, specialized agencies and financial institutions responsible for the existing relevant mechanisms, procedures and programmes to facilitate the review. The Commission further requested that the Working Group on Indigenous Populations at its fourteenth session give priority consideration to the possible establishment of a permanent forum for indigenous people within the United Nations and thereby contribute to the ongoing review.

4. At its fourteenth session, held at Geneva from 29 July to 2 August 1996, the Working Group on Indigenous Populations discussed the proposed permanent forum for indigenous people. Under the same agenda item the Working Group also discussed questions related to the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people.

5. The Working Group emphasized the importance of the ongoing review and expressed the hope that the relevant United Nations bodies and agencies would facilitate the completion of the review by providing the necessary information. It also expressed its appreciation to the Government of Chile for its offer to host the second workshop on the proposed permanent forum, at the beginning of 1997.

6. In its resolution 1996/35 of 29 August 1996, the Subcommission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General, in preparing the review, to take into account the views and opinions on the permanent forum expressed at the fourteenth session of the Working Group on Indigenous Populations and the information received from indigenous people and communities as well as from Governments.

7. The Subcommission also recommended that the Centre for Human Rights, drawing on the results of the Secretary-General's review of the June 1995 Copenhagen workshop on the possible establishment of a permanent forum for indigenous people and in accordance with General Assembly resolution 50/157, organize a second workshop on a permanent forum for indigenous people in early 1997. In a statement to the fourteenth session of the Working Group on Indigenous Populations, the Government of Chile offered to host the second workshop. The Subcommission welcomed the offer by Chile to host the workshop.

8. The Subcommission also recommended that the permanent forum be established in the early part of the International Decade of the World's Indigenous People and that its mandate include questions relating to all fields included in the programme of activities for the International Decade.

9. In accordance with the request contained in resolution 50/157, the Assistant Secretary-General for Human Rights sent a note verbale to Governments, inviting them to provide any information they considered relevant for inclusion in the review. As at 20 September 1996, replies had been received from four Governments: Bangladesh, Estonia, Latvia and Uruguay.

10. The Government of Bangladesh, in a reply dated 9 July 1996, made reference to General Assembly resolution 50/157 and Commission on Human Rights resolution 1996/41 and expressed the view that the question of identifying indigenous peoples, either through a focused but inclusive definition or by setting broad criteria, was essential in the context of implementing the resolutions. Furthermore, the Government stated that without a common language concerning the scope of application of envisaged action, the United Nations ran the risk of failing to include genuine indigenous peoples and of targeting non-indigenous peoples.

11. The Government of Estonia, in a reply dated 5 August 1996, expressed full support for the proposal that priority consideration should be given to the possible establishment of a permanent forum. It stated that the experience of the Working Group on Indigenus Populations and the outcome of expert seminars indicated that there was a need for such a forum for indigenous people which could assure, inter alia, that the recommendations and programmes of action of the United Nations conferences were put into effect.

12. The Government of Latvia, in a reply dated 22 August 1996, provided information about the Livs, an indigenous people living in that country. The Government of Uruguay, in a letter dated 20 June 1996, stated that it supported Commission on Human Rights resolution 1996/41 and offered to collaborate in the implementation of the programme of action of the International Decade of the World's Indigenous People.

13. On 5 June 1996, the Assistant Secretary-General for Human Rights wrote to United Nations organizations and specialized agencies and other relevant United Nations departments and committees as well as interested intergovernmental organizations, enclosing a questionnaire on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (see annex I to the present report). More than 75 such bodies were invited to provide information. As at 20 September 1996, replies from the following 23 United

Nations organs and departments and intergovernmental organizations had been received: Committee on the Rights of the Child, Department of Public Information, Department for Policy Coordination and Sustainable Development, Department for Development Support and Management Services, Department of Humanitarian Affairs, Non-governmental Liaison Service, United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations Children's Fund (UNICEF), World Health Organization (WHO), United Nations High Commissioner for Human Rights, United Nations Environment Programme (UNEP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations International Drug Control Programme (UNDCP), United Nations Centre for Human Settlements (Habitat), Interim Secretariat of the Convention to Combat Desertification, Secretariat of the Convention on Biological Diversity, International Labour Organization (ILO), International Court of Justice (ICJ), the World Bank, International Monetary Fund (IMF), Organisation for Economic Cooperation and Development, Office for Democratic Institutions and Human Rights.

14. The questionnaire formulated and sent to the United Nations organs, programmes and agencies covered the following areas: (a) indigenous participation in the general or legislative bodies of the organization or agencies; (b) specific meetings on indigenous issues; (c) research, policy planning, or internal policy guidelines related to indigenous people; (d) specific programmes or projects for indigenous people; and (e) future activities in connection with indigenous people.

15. On 5 June 1996, the Assistant Secretary-General for Human Rights sent a letter to indigenous and other relevant organizations, in which they were invited to provide any relevant information for inclusion in the review. As at 20 September 1996, the following five indigenous or other organizations had replied: Aboriginal and Torres Strait Islander Commission, Aboriginal and Torres Strait Islander Social Justice Commissioner, Azachis - Zapoteca, International Alliance for the Indigenous Tribal Peoples of the Tropical Forest, International Work Group on Indigenous Affairs, Society of Pitcairn Descendants (now renamed the Association of Norfolk Islanders). The comments and observations of indigenous and other organizations are referred to in chapter VIII of the present report.

16. The High Commissioner for Human Rights, Mr. José Ayala Lasso, has expressed his commitment to the protection and promotion of the rights of indigenous peoples. In his statement to the Working Group on Indigenous Populations on 31 July 1996, he underlined the importance of the draft declaration on the rights of indigenous peoples and the programme of activities for the International Decade of the World's Indigenous People. In particular, the High Commissioner expressed his support for the proposal to establish a permanent forum and his hope that it could be achieved in the short term. In this connection and in the framework of the International Decade, the High Commissioner has approved a number of initiatives to promote information about the draft declaration, including a workshop in the Pacific region and a planned training course on human rights in cooperation with UNESCO in Ecuador and Peru. He has also expressed his support for a second workshop on the permanent forum.

II. PARTICIPATION OF INDIGENOUS PEOPLE IN THE LEGISLATIVE BODIES OF THE UNITED NATIONS SYSTEM

17. Article 71 of the Charter of the United Nations provides that the Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations (NGOs) which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

18. The arrangements made by the Economic and Social Council for consultation with non-governmental organizations are set out in Council resolution 1296 (XLIV) of 23 May 1968, revised in its resolution 1996/31 of 25 July 1996, which provides for certain principles to be applied in the establishment of consultative relations, inter alia:

(a) The organization shall be concerned with matters falling within the competence of the Economic and Social Council and its subsidiary bodies;

(b) The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of the Charter of United Nations;

(c) The organization shall undertake to support the work of the United Nations and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities;

(d) The organization shall be of recognized standing within the particular field of its competence or of a representative character;

(e) The organization shall have an established headquarters, with an executive officer.

19. In establishing consultative relations with non-governmental organizations, the Economic and Social Council makes the following distinctions:

(a) Organizations in general consultative status, which can be granted to organizations concerned with most of the activities of the Council and can demonstrate to its satisfaction that they have made marked and sustained contributions towards the objectives of the United Nations;

(b) Organizations in special consultative status, which have special competence in and are concerned specifically with only a few of the fields of activity covered by the Economic and Social Council and its subsidiary bodies;

(c) Organizations on the Roster, i.e., those which can make occasional and useful contributions to the work of the Council or its subsidiary bodies. Organizations on the Roster may also include organizations in consultative status or similar relationship with a specialized agency or a United Nations body.

20. Thirteen indigenous peoples' organizations have consultative status with the Economic and Social Council, eight with special consultative status category II and five on the Roster. Five of the 13 organizations are located in the United States of America, four in Canada, two in Australia, one in Finland and one in Peru. These organizations are the Aboriginal and Torres Strait Islander Commission, Four Directions Council, Grand Council of the Crees (of Quebec), Indian Council of South America, Indian Law Resource Center, Indigenous World Association, International Indian Treaty Council, International Organization of Indigenous Resource Development, Inuit Circumpolar Conference, National Aboriginal and Islander Legal Services Secretariat, National Indian Youth Council, Saami Council and World Council of Indigenous Peoples.

21. The International Labour Organization has a tripartite structure of Governments, workers and employers. The ILO indicates that the representatives of indigenous and tribal peoples can participate in ILO meetings in two ways: (a) as representatives of Governments, or of workers' and employers' organizations; and (b) as representatives of a non-governmental organization on the ILO Special List of Non-Governmental International Organizations (see para. 23).

22. The ILO indicates that indigenous and tribal peoples have attended some meetings as representatives of Governments, or of workers' and employers' organizations, including the meetings leading to the adoption of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, 1989.

23. The International Labour Organization has since 1989 maintained the Special List of Non-Governmental Organizations, containing names of organizations admitted for representation at the International Labour Conference and other ILO meetings. Apart from employers' and workers' international organizations and non-governmental organizations in full or regional consultative status, the ILO has established a special list for non-governmental organizations whose aims and activities are of interest to the ILO.

24. The criteria for admission of non-governmental organizations to the ILO's Special List are that the aims and objectives of the organization requesting admission should be in harmony with the spirit, aims and principles of the ILO Constitution and the Declaration of Philadelphia. The number of years of existence of the organization, its international membership, the nature of its international activities and its practical achievements constitute some of the main criteria for admission to the Special List. The fact that a non-governmental organization already is in consultative status with the Economic and Social Council or any of the specialized agencies of the United Nations does not imply inclusion in the Special List of the ILO; each application is judged in accordance with the ILO's criteria.

25. Any non-governmental organization wishing to participate at the International Labour Conference has to meet a number of conditions, which must be verified by certain documents and information. The organization should:

(a) Demonstrate the international nature of its composition and activities by proving that it is represented or has affiliates in a considerable number of countries and that it is active in those countries;

(b) Have aims and objectives that are in harmony with the spirit, aims and principles of the ILO Constitution and the Declaration of Philadelphia;

(c) Formally express a clearly defined interest, supported by its statutes and by explicit reference to its own activities, in at least one of the items on the agenda of the Conference session to which it requests to be invited;

(d) Submit its request, in writing, to the Director-General of the International Labour Office at least one month before the opening of the session of the Conference.

26. Four indigenous peoples' organizations are on the International Labour Organization's Special List of International Non-Governmental Organizations. Two of them are located in Canada, one in Finland and one in the United States of America. These organizations are Four Directions Council, Indigenous World Association, Saami Council and the World Council of Indigenous Peoples.

27. The Department for Policy Coordination and Sustainable Development has submitted information which indicates that indigenous people are one of the nine major groups recognized in Agenda 21, and that their participation in the United Nations Commission on Sustainable Development is encouraged. As the Commission is a subsidiary body of the Economic and Social Council, participation of non-governmental actors at meetings of the Commission requires consultative status with the Council.

28. The Executive Board of UNICEF is composed of representatives of Member States. Non-governmental organizations in consultative status with the Economic and Social Council are permitted to attend the meetings of the Executive Board as observers. Only officials appointed by the States are entitled to participate in the General Conference and the Executive Board meetings of UNESCO. However, indigenous people are free to participate as observers in programme meetings taking place at UNESCO if they so wish, though, no specific invitations are forwarded to indigenous organizations or communities. UNESCO indicates that numerous indigenous organizations are already being informed that its regional offices are kept regularly updated about meetings held at headquarters.

29. The United Nations Centre for Human Settlements states that indigenous people attend, participate or contribute to decision-making in Habitat through the non-governmental organization with which they are involved.

30. The Executive Secretary of the Convention on Biological Diversity refers to the rules of procedure for meetings of the Conference of the Parties to the Convention which permit observers from non-governmental organizations, including indigenous organizations and communities, to attend, participate in and contribute to meetings held under the Convention.

31. According to those rules of procedure for the secretariat of the Convention shall notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the secretariat of its wish to be represented, of meetings of the Conference of the Parties or its subsidiary

bodies so that they may be represented as observers unless at least one third of the parties present at the meeting object. Non-governmental observers at the Conference of the Parties may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object.

32. Furthermore, the rules of procedure state that the scientific and technical contribution of non-governmental organizations to the fulfilment of the mandate of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) is strongly encouraged, in accordance with the relevant provisions of the Convention and the rules of procedures for meetings of the Conference of the Parties. The Executive Secretary drew attention to the first meeting of SBSTTA in which at least two indigenous organizations took part, while at least five indigenous organizations attended the meeting of the Conference of the Parties.

33. The formal meetings of the Executive Board of UNDP are public and non-governmental organizations and individuals can participate as observers. Prior to the meeting, a representative of an NGO can be authorized to take the floor and make a statement. However, the Executive Board meetings are not well known to NGOs officially accredited to the United Nations and there is no pattern of indigenous participation.

34. The Chairperson of the Committee on the Rights of the Child notes that article 30 of the Convention on the Rights of the Child recognizes specific rights for indigenous children, within the overall framework for the realization of the rights of the child. The Committee has included in its general guidelines regarding the form and content of initial reports issues relating to indigenous children; the new set of guidelines for periodic reports currently being drafted will also cover issues relevant to indigenous children. Furthermore, in the spirit of article 45 of the Convention, the Committee cooperates fruitfully with many non-governmental organizations and other competent bodies which may provide expert advice and submit documentation.

35. The Department of Humanitarian Affairs, the International Monetary Fund and the International Court of Justice indicated that their activities did not directly concern indigenous people.

36. Finally, it may be noted that in recent years indigenous people have been invited to make presentations at the highest levels of the United Nations. Thus, an indigenous representative was given the opportunity to address the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992, the first time that an indigenous person had been given such an opportunity. Indigenous people from many regions also spoke at the plenary of the World Conference on Human Rights (Vienna 1993) and at a special session of the General Assembly at the inaugurations of the International Year and the International Decade of the World's Indigenous People. The General Assembly in its resolution 50/157 invites all future high-level conferences to observe the International Decade.

37. Indigenous people are largely absent from the meetings of the legislative bodies of the United Nations system. In part this is because very few

indigenous organizations enjoy consultative status with the Economic and Social Council, a prerequisite for participation in the majority of United Nations public meetings. As noted in the response of UNDP, NGOs generally are not always aware of the existing opportunities nor perhaps are they in a position for financial reasons to attend the meetings of the decision-making bodies in the United Nations system. As indigenous non-governmental organizations are far fewer in number and often have less staff and financial resources than non-indigenous NGOs, they are not necessarily in a position to follow all relevant meetings.

38. Another factor which may be noted is the political, social and cultural specificity of indigenous people themselves. Traditionally, indigenous people do not organize themselves in non-governmental structures, which is a precondition for achieving consultative status. In many countries, indigenous people maintain flourishing governments or administrations of their own, often pre-dating the Governments of the States in which they live. It has been stated by many indigenous people at the sessions of the Working Group on Indigenous Populations that establishing non-governmental entities is incompatible with their history of self-government. This may explain the reluctance of certain indigenous people to form non-governmental organizations for the purposes of participating in United Nations meetings.

39. Furthermore, there are sometimes practical difficulties for indigenous organizations in complying with the United Nations provisions for consultative status. For example, although the aims and purposes of indigenous organizations may be in conformity with the spirit, purposes and principles of the Charter of the United Nations, they cannot always fulfil the United Nations conditions for consultative status, such as having an established headquarters with an executive officer, especially in regions where communities are widely dispersed.

III. MEETINGS ON INDIGENOUS ISSUES

40. There are few regular scheduled meetings on indigenous issues in the United Nations system. As far as can be ascertained, the only established meetings dealing exclusively with indigenous concerns are the Working Group on Indigenous Populations and the open-ended inter-sessional Working Group of the Commission on Human Rights to review the draft United Nations declaration on the rights of indigenous peoples.

41. The Working Group on Indigenous Populations established by the Economic and Social Council in its resolution 1982/34 of 7 May 1982, is a subsidiary body of the Subcommission on Prevention of Discrimination and Protection of Minorities. The Working Group is authorized to meet annually for up to five working days to (a) review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations; and (b) give special attention to the evolution of standards concerning the rights of indigenous populations. The Working Group has met every year since 1982, except in 1986. Indigenous people and their organizations are entitled to attend and take the floor on issues on the agenda, regardless of whether they have consultative status with the Economic and Social Council. The Working Group is attended by

approximately 700 people each year, of whom about half are representatives of indigenous nations, peoples and communities.

42. The open-ended inter-sessional Working Group of the Commission on Human Rights was established by the Commission in its resolution 1995/32 of 3 March 1995 with the sole purpose of elaborating the draft United Nations declaration on the rights of indigenous peoples. In accordance with a procedure laid out in the aforementioned resolution, the Working Group is open to organizations of indigenous people without consultative status in the Economic and Social Council if they are approved by the Council Committee on Non-Governmental Organizations. As of 20 September 1996, 90 indigenous organizations had been approved by the NGO Committee. The first session of the inter-sessional Working Group was held in November 1995.

43. The Subcommission on Prevention of Discrimination and Protection of Minorities, the parent body of the Working Group on Indigenous Populations, has a separate item on its agenda entitled "Discrimination against indigenous peoples". In 1996, the Commission on Human Rights decided to include on its agenda a separate item entitled "Indigenous issues". The General Assembly has a separate agenda item entitled "International Decade of the World's Indigenous People". The only indigenous organizations that can attend these meetings are those enjoying consultative status with the Economic and Social Council.

44. A number of ad hoc consultations with indigenous people are being developed by other parts of the United Nations system. The United Nations Environment Programme/Global Environment Facility Coordination (UNEP/GEF) has initiated consultations with indigenous and local communities on the ways and means of implementing article 8 (j) of the United Nations Convention on Biological Diversity. UNEP/GEF held one formal meeting at Geneva from 29 to 31 May 1996 focusing on indigenous issues and will convene three regional consultations during the latter part of 1996 to consider how to implement article 8 (j) of the Convention. Indigenous organizations without consultative status may be invited to participate at those meetings by the secretariat of UNEP/GEF.

45. According to the United Nations Division for Sustainable Development, the Commission on Sustainable Development has never held a formal meeting focused on indigenous people. The Commission on Sustainable Development covers issues related to indigenous people and the other nine major groups under the programme "Role and contribution of major groups". Since 1995, the meetings of the Commission have included special events that focus on the role of a particular major group. So far special events have been organized on the role of local authorities (1995), and youth, workers and business (1996). These special events are organized in collaboration with representatives from the relevant major groups. The representatives of the relevant major group lead the process, with the Commission secretariat providing support and guidance with help from interested United Nations agencies.

46. The World Health Organization refers to its programme "Health of the Indigenous Peoples Initiative in the Region of the Americas", in the meetings of which indigenous representatives participate. Indigenous involvement in the decision-making process is considered to be an essential condition of the Indigenous Peoples' Health Initiative for the region. The organization's

purpose is to contribute effectively and efficiently to efforts by the countries and peoples of the region to bring about an improvement in the health of indigenous people. This is accomplished through the identification, mobilization and integration of appropriate resources, which are used to activate, promote, support and develop consensus-based and collaborative processes in the spirit of the Initiative.

47. UNICEF states that it often organizes or supports activities that aim to examine discrimination, racism and intolerance in order to facilitate better understanding of such issues. In July 1996, UNICEF sponsored an international workshop in collaboration with the University of Victoria, Canada, on the rights of indigenous children which focused on creating awareness among indigenous people about the Convention on the Rights of the Child. The workshop emphasized the rights of indigenous children to non-discrimination, to their language, religion and culture pursuant to article 30 of the Convention. Participants included indigenous elders, youth and children, representing First Nations of North America and Latin America, who were joined by representatives of the Canadian Government, UNICEF, ILO and several non-governmental organizations.

48. ILO does not hold regular scheduled meetings specifically on issues relevant to indigenous and tribal peoples. Meetings are arranged on an ad hoc basis as and when the need arises. ILO participates in United Nations meetings dealing with indigenous issues including the Working Group on Indigenous Populations, the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities. Furthermore, ILO takes part in the annual inter-agency consultations on indigenous issues held at Geneva.

49. ILO organizes ad hoc or special meetings in two ways: (a) within the framework of the ILO general meetings; and (b) within the framework of ILO technical cooperation projects. Ad hoc meetings which are organized within the framework of the ILO general meetings are organized as and when required. The ILO Conference in 1986 decided that a revision of ILO Convention No. 107 on Indigenous and Tribal Populations was required in order to take into account new developments relating to indigenous and tribal peoples, in particular to examine the concept of integration, which was no longer a valid development goal for indigenous and tribal peoples. This was a result of calls for such action from indigenous and tribal organizations, a number of Governments, and other organizations in the United Nations system.

50. The process of revising Convention No. 107 resulted in the adoption of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries of 1989. This Convention is the most recent international instrument relating to indigenous and tribal peoples. During the drafting process of Convention No. 169, consultations were held with the representatives of indigenous and tribal peoples on a regular basis, and the meetings were attended by a large number of representatives. Their participation was facilitated by the Working Group at the ILO Conference and by the non-governmental organizations on the Special List.

51. Similarly, there are no specific rules of procedure relating to ad hoc or special meetings organized within the framework of ILO technical cooperation projects. The scope, frequency and subject of such meetings depend on the

project itself. For instance, a project to promote the rights of indigenous and tribal peoples which began in 1996 included special briefings during the fourteenth session of the Working Group on Indigenous Populations to inform participants of the ILO's work in this field and its relevant standard-setting activities, and to get input from indigenous and tribal peoples. Similar briefings will also be held during the fifteenth session (1997) of the Working Group. The ILO also reports that a number of other ILO technical cooperation projects affect indigenous and tribal peoples more or less directly, and meetings and discussions with project-affected peoples are almost always a component of these activities.

52. UNESCO states that meetings on indigenous issues are not being systematically scheduled, although several consultations have been held since 1991, either at headquarters or within the member States. Since the proclamation of the International Decade of the World's Indigenous People in December 1994, UNESCO has organized and hosted meetings of indigenous people in Paris. Such meetings were held in February 1995 and June 1996. The themes of the meetings generally fall into UNESCO's specific fields of competence: culture, education, science and communication. During the meetings indigenous representatives are being invited by UNESCO to participate in the plenary sessions as well as in working groups in order to submit recommendations to the organization. UNESCO also states that indigenous participants are being invited either on the basis of their consultative status with the Economic and Social Council or on the basis of regular contacts and working relations between indigenous organizations and the organization's secretariat.

53. The United Nations Centre for Human Settlements (Habitat) states that it does not organize regular, scheduled meetings on indigenous issues. Indigenous people can attend and participate in meetings as well as be involved in decision-making through Habitat International Coalition.

54. The Executive Secretary of the Convention on Biological Diversity notes that the Convention does not hold regular meetings on indigenous issues. As a legally binding international instrument and not an agency or programme, the primary purpose of meetings is to review the implementation of the Convention and to assist parties with implementation. Issues relating to indigenous people, particular those relating to their knowledge, innovations and practices, are addressed under the Convention and form part of the programme of work of both the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), which both meet annually.

55. UNFPA states that it supported the Continental Meeting on Indigenous Women, held in August 1995 in Ecuador, which was convened by an Ecuadorian indigenous peoples' organization.

56. UNDP does not hold regular scheduled meetings on indigenous issues. Ad hoc or special meetings or consultations on indigenous issues are organized at the request of indigenous peoples' organizations or representatives.

IV. POLICY GUIDELINES AND RESEARCH ACTIVITIES RELATED TO INDIGENOUS PEOPLE

57. The United Nations departments, organizations and specialized agencies were invited to provide information about their internal policy guidelines and research activities in relation to indigenous peoples. This was deemed useful in the light of General Assembly resolutions 48/163 of 21 December 1993, 49/214 of 23 December 1994 and 50/157 relating to the International Decade of the World's Indigenous People, in which the goal of the Decade is identified as strengthening international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health. The General Assembly also adopts as the theme of the Decade: "Indigenous people: partnership in action". In this respect the extent of involvement of indigenous people and their organizations in the elaboration by the United Nations system of policy guidelines and research activities may be borne in mind.

58. Furthermore, in paragraph 34 of the annex to its resolution 50/157 containing the programming of activities for the Decade, the General Assembly recommends that the United Nations system develop research on the socio-economic conditions of indigenous people, in collaboration with indigenous organizations and other appropriate partners, with a view to publishing regular reports in order to contribute to the solution of problems faced by indigenous people.

59. In the human rights area, note may be taken of a number of research activities in relation to indigenous peoples. The Subcommission on Prevention of Discrimination and Protection of Minorities undertook a pioneering study of the problem of discrimination against indigenous populations between 1972 and 1983. 1/ The so-called Martinez Cobo report was based on written information provided by Governments and indigenous peoples' organizations and through visits to indigenous communities. The conclusions and recommendations continue to be used and referred to in the current activities of the United Nations system.

60. The Subcommission on Prevention of Discrimination and Protection of Minorities has two ongoing thematic studies on indigenous people: the "Study on treaties, agreements and other constructive arrangements between States and indigenous populations" and the "Study on the protection of the heritage of indigenous people".

61. In 1989, the Economic and Social Council appointed Subcommission Expert, Mr. Miguel Alfonso Martinez, as Special Rapporteur for the study treaties, agreements and other constructive arrangements between States and indigenous populations. A preliminary report, 2/ and three progress reports 3/ have been submitted to the Subcommission to date and a final report is due to be presented at its forty-ninth session in 1997.

62. In 1992, the Economic and Social Council appointed Subcommission Expert Ms. Erica-Irene A. Daes as Special Rapporteur with the mandate of undertaking a study on the protection of the cultural and intellectual property of indigenous people. The study, entitled "Study on the protection of the heritage of indigenous peoples", as well as principles and guidelines for the protection of the heritage of indigenous people, were submitted to the Subcommission in 1995.

A supplementary report on the protection of the heritage of indigenous people was submitted by the Special Rapporteur to the Subcommission at its forty-eighth session. In its resolution 1996/31 of 29 August 1996, the Subcommission transmitted the principles and guidelines on the protection of the heritage of indigenous people to the Commission on Human Rights for its consideration. In the course of preparation of both the above-mentioned studies Governments, specialized agencies, indigenous people, intergovernmental and non-governmental organizations were invited to provide information and suggestions.

63. As a matter of practice the views and comments of indigenous people on numerous questions of relevance have been requested by the Subcommission or the Commission on Human Rights. The responses have been incorporated into the documentation made available for these bodies. The Working Group on Indigenous Populations has also accepted written information from indigenous organizations which is available to the meeting as background documentation. At the present time, the Centre for Human Rights has a mailing list of over 400 indigenous organizations which receive relevant documentation at the request of the legislative bodies.

64. Reference may also be made to the working methods for the elaboration of the draft declaration on the rights of indigenous peoples adopted by the Working Group on Indigenous Populations. In order to ensure culturally diverse and geographically broad participation in the drafting of the declaration, the Working Group received written and oral comments and suggestions from indigenous organizations regardless of their consultative status with the Council. As a result, the draft declaration was elaborated with the involvement of hundreds of indigenous people, many of whom had no previous experience of the United Nations. Furthermore, in order to overcome the often severe financial difficulties experienced by many indigenous communities, the General Assembly established the Voluntary Fund for Indigenous Populations, which provides travel grants and daily allowances to representatives of indigenous people so that they can attend the Working Group. About 250 indigenous people have benefited from the Fund since it began.

65. The Working Group has become the principal international forum on indigenous issues and as such offers a platform for proposals regarding United Nations policy. A number of initiatives subsequently taken up by the legislative bodies, including the General Assembly, have been launched during the Working Group. The proposals to proclaim an International Year and later an International Decade of the World's Indigenous People are examples of such initiatives. Indigenous people, through the Working Group, have also generated research recommendations which have been taken up by the relevant bodies of the United Nations. A series of reports prepared by the former United Nations Centre on Transnational Corporations on the impact of transnational corporations on the lands, environment and human rights of indigenous peoples in North and South America, Africa and Asia were made at the request of the Working Group. 4/

66. The Centre for Human Rights has been requested to organize expert seminars on themes of relevance to indigenous peoples. The seminars provide an opportunity for an exchange of views and practical experiences between indigenous people, representatives of Governments and intergovernmental organizations, and other experts. They are often a valuable source of research

data on specific issues and contribute to the development of United Nations policy. Expert seminars have been held on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (Geneva, 1989), on schemes of internal self-government for indigenous peoples (Nuuk, 1991), on practical experience in the realization of sustainable and environmentally sound self-development of indigenous peoples (Santiago, 1992), and on practical experiences regarding indigenous land rights and claims (Whitehorse, 1996).

67. As a matter of practice, the Centre for Human Rights has invited indigenous people on the basis of their expertise on the question under consideration. By agreement of the participants, the two officers, the Chairperson and the Rapporteur, are nominated from both the governmental and indigenous experts present. Thus, at the expert seminars in Geneva and Santiago the rapporteurs were indigenous experts and at the seminars in Nuuk and Whitehorse the Chairpersons were indigenous people. Finally, where possible, efforts have been made to provide interpretation in indigenous languages in order to facilitate the participation of local indigenous communities. Interpretation was available in Greenlandic at the seminar in Nuuk and in Mapudungen at the seminar in Santiago.

68. ILO has pioneered research and policy guidelines on indigenous people in the United Nations system. Since 1926, ILO has been engaged in protection of the rights of indigenous and tribal peoples, arising from its work with bonded labourers, many of whom were also indigenous and tribal people. In 1953, it published "Indigenous peoples: living and working conditions of aboriginal populations in independent countries", the first comprehensive study of indigenous peoples by an international organization. The Indigenous and Tribal Peoples Convention (No. 107), the first international instrument protecting the rights of indigenous and tribal peoples, was adopted in 1957. ILO states that the fundamental principles of human dignity, freedom of association and social justice are the basis of ILO policy in all matters, including those affecting indigenous and tribal peoples. The organization has been actively working to improve the economic and social conditions of indigenous and tribal peoples within the law and policy framework of ILO instruments such as Conventions No. 107 of 1957 and the revised Indigenous and Tribal Peoples Convention (No. 169) of 1989.

69. ILO states that all of its activities, such as research, publications and technical cooperation, are as a matter of policy oriented towards the implementation of ILO standards. This has the effect of ILO Conventions themselves functioning as internal guidelines for all ILO activities.

70. The World Bank adopted a policy on indigenous people in 1982 which was designed to address issues pertaining to relatively isolated groups and focused mainly on the protection of land rights and the provision of health services, in particular in relation to indigenous people who were affected by World Bank-financed projects. In 1991, the World Bank issued a revised policy which extends its own definition of indigenous people to include a much wider array of groups that maintain cultural and social identities distinct from those of the national societies where they live, have close attachments to their ancestral lands, and are susceptible to being disadvantaged in the development process.

71. The World Bank issued its revised policy through the adoption of operational directive OD 4.20 in September 1991. The directive describes the Bank's policies and processing procedures for projects that affect indigenous people. It sets out basic definitions, policy objectives, guidelines for the design and implementation of project provisions or components for indigenous people, and processing and documentation requirements. The directive provides policy guidance to ensure that indigenous people benefit from development projects, and avoid or mitigate potentially adverse effects on indigenous people caused by World Bank-assisted activities. Since the release of OD 4.20, several regional initiatives have been pursued by the Bank in order to implement its policy pertaining to indigenous people.

72. The World Bank states that the broad objective of its directive is to ensure that the development process fosters full respect for the dignity, human rights and cultural uniqueness of indigenous people. Furthermore, the Bank's policy is that the strategies for addressing the issues pertaining to indigenous people must be based on the informed participation of the indigenous people themselves.

73. The World Bank notes that its research and sector work dealing with indigenous people is growing. A major focus of this work is in areas of education and poverty alleviation. The Bank is also involved in research and sector work concerning indigenous people relating to popular participation, management of natural resources and conservation of biological diversity.

74. The United Nations Environment Programme reports that it recently undertook a research project, the Global Biodiversity Assessment, with the objective of reviewing the current state of knowledge regarding the main issues of biodiversity. In the process of evaluating biodiversity, the need to address value systems other than Western technologies was identified. Consequently UNEP is now preparing a stand-alone volume of the Global Biodiversity Assessment entitled "Human values of biodiversity", which will focus on the traditional, religious and cultural values of biological diversity. A wide range of different traditional and religious groups from all parts of the world are being contacted in order to obtain as wide as possible range of statements and views.

75. The United Nations Department of Public Information states that a focal point for indigenous issues was established prior to the International Year of the World's Indigenous People to coordinate and promote information activities concerning the work of the United Nations in this area. Located in the Development and Human Rights Section of the Division for Promotion and Public Services, the ongoing work of the focal point includes the production and dissemination of print material such as brochures, backgrounders, fact sheets, features or information kits on the Decade. The Department of Public Information also organized press conferences and briefings, seminars, round tables and other activities to inform the media about the ongoing work.

76. The Department's focal point on indigenous issues maintains regular contact with indigenous groups through monthly meetings held in New York with the NGO Committee on the Decade of the World's Indigenous People. Representatives of the Department also participate in annual sessions of the Working Group on Indigenous Populations, this provides an opportunity to maintain direct contact

with indigenous representatives and to obtain information which is more difficult to get otherwise.

77. WHO states that its policy guidelines in terms of programmes designed to reduce inequities in health and health care include indigenous people. Collaborative programmes targeting indigenous groups have been achieving consistently good results.

78. UNICEF states that the Convention on the Rights of the Child is its basic framework and guide for programmes, advocacy and policies. UNICEF expresses its commitment to ensuring respect for the rights of all children, including indigenous children, without discrimination of any kind. Furthermore UNICEF, guided by the Convention, strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

79. In 1993, UNESCO established a focal point unit within its culture sector working on indigenous issues. Indigenous people are among those being considered as a priority for UNESCO's action since then. The policy priority is to earmark funds for action-oriented activities emanating from the indigenous people concerned. Special attention is given to activities which aim at enhancing the capabilities of indigenous people. UNESCO's efforts through programme implementation are centred on the training of human resources in fields of vital importance for their development, such as access to mother-tongue education, revitalization of components of their cultural heritage, development of traditional skills relating to the protection and use of natural resources, promotion of crafts and encouraging systematic mechanisms of dialogue with member States. UNESCO's policy in the area of indigenous issues is a long-term task based on regular and progressive consultation with indigenous partners.

80. The Office of the United Nations High Commissioner for Refugees (UNHCR) has issued guidelines on people-oriented planning, in which it is stressed that in all planning it is essential to take account of those for whom the services are intended, to involve the beneficiaries and to make use of the resources already existing within the different communities. These guidelines are also applied in the planning of assistance and protection activities for indigenous people.

81. UNHCR makes reference to the case of Guatemala when it illustrates how the organization deals with indigenous refugees. The vast majority of the refugees from Guatemala in Mexico were indigenous people. UNHCR programmes were designed to meet their specific needs. For instance, UNHCR trained indigenous persons as teachers so they could, in turn, teach the refugees in their own language, and thus preserve their culture and identity in exile. When these refugees returned, the Government of Guatemala agreed to make land available for them, and UNHCR supported their self-organization.

82. The United Nations Centre for Human Settlements (Habitat) has drafted a policy document on the housing needs of indigenous people, focusing mainly on land and basic services. Furthermore, indigenous people are involved in research and policy planning on issues of concern through links with indigenous organizations.

83. The Executive Secretary of the Convention on Biological Diversity (CBD) states that the Convention is an international legal instrument, not an agency or programme implementing body. The Convention does not undertake any activities with indigenous people. However, the Convention Secretariat has, on the instructions of the Conference of the Parties, called for submissions on various matters from, inter alia, indigenous organizations as a contribution to research and the preparation of policy recommendations for consideration by the parties.

84. UNDP has prepared guidelines for support to indigenous peoples in draft form. The guidelines are due to be revised and will be submitted to the Executive Board towards the end of 1996. Upon official adoption of the guidelines, they will integrated into UNDP operational guidelines. The guidelines are based on the Universal Declaration of Human Rights, the 1986 Declaration on the Right to Development, the 1993 Vienna Declaration and ILO Convention No. 169.

85. UNDP notes that there is no formal mechanism for indigenous participation in policy planning on issues of concern to it. The extent to which indigenous people are involved in UNDP-initiated research depends on the context of specific programmes and projects. In general, the sustainable human development framework is based on local stakeholder participation at all stages of the programme and project cycle.

V. PROGRAMMES AND PROJECTS

86. In resolution 50/157, the General Assembly adopted a comprehensive programme of activities for the Decade and recommended that the specialized agencies of the United Nations system and other international and national agencies devote special attention to development activities of benefit to indigenous communities. It also encouraged the governing bodies of specialized agencies to adopt programmes of action for the International Decade of the World's Indigenous People in their own fields of competence, in close cooperation with indigenous people. The Assembly also emphasized the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the International Decade.

87. The International Labour Organization has a number of projects for indigenous and tribal peoples including the following:

(a) Project on the Promotion on the Rights of Indigenous and Tribal Peoples. This is a two-year technical cooperation project (1996-1997) aimed at promoting the rights of indigenous and tribal peoples within the framework of relevant ILO standards, in particular ILO Convention No. 169 on Indigenous and Tribal Peoples, 1989. The project is managed by two persons of indigenous origin. The project has two aims: (i) to increase awareness of ILO's work in the field of indigenous and tribal peoples rights, and (ii) to enable these peoples to improve the promotion of their rights within the context of ILO standards. The major geographical areas of concentration will be South and South-East Asia and southern Africa. Activities envisaged include training

seminars and workshops, and the publication of issue papers, basic information on the ILO and Convention No. 169, and other informational materials;

(b) INDISCO programme (Inter-regional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and other Self-Help Organizations). INDISCO is specially developed to assist indigenous and tribal peoples. It currently has 17 pilot projects in Asia and Central America. In the context of these projects, it holds national, regional and interregional technical consultation meetings on an annual basis, with the representatives of the partner indigenous and tribal communities, local NGOs and other development partners. Within the framework of the INDISCO project, the partner indigenous and tribal groups decide on planning and implementing the projects. As for research, usually indigenous and tribal researchers participate in data collection, baseline surveys at the grassroots level. At the pilot project level, partner communities primarily decide on the work plans, implementation arrangements, selection of staff and non-governmental organizations, and the INDISCO Programme assists them to implement the community-level projects;

(c) Indigenous and Tribal Peoples: Poverty Alleviation and Democratization. Geographically the project covers Guatemala and the Philippines. In Guatemala the major aim of the project is to train indigenous organizations and support groups to enable them to participate meaningfully in follow-up activities to the Agreement on Identity and Indigenous Rights signed by the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in March 1995. In the Philippines, the project seeks to stimulate a policy dialogue between the Government, indigenous and tribal peoples and other social groups on various issues, ranging from land and natural resource rights to social policies and mechanisms for effective participation in governance and decision-making;

(d) Community-based Environmental Impact Assessment (CEIA): Partnering with Indigenous Peoples, Philippines. This ILO project is a contribution to the consolidation of indigenous and tribal peoples' territories. This project seeks to institutionalize a CEIA in support of local and national initiatives affecting the lands and the well-being of their communities. It aims to encourage a shift from expert-owned and expert-driven environmental impact assessments to more community-based and participatory environmental impact assessment, which build upon indigenous and tribal peoples' traditional methods and techniques;

(e) Diagnosis of Condition of Indigenous Communities in the Peruvian Amazon. This is an action-oriented research programme on the socio-economic profile and legal protection of the 63 indigenous groups inhabiting the Peruvian Amazon. The research seeks to identify and devise, in consultation with the peoples concerned, the sources of social tensions and conflict in the region and ways to overcome them.

88. UNFPA supports two projects for indigenous people in Bolivia. One project covers activities for indigenous organizations, on gender and reproductive health, and provides training on gender perspectives and reproductive health to indigenous leaders from different regions. The other project in Bolivia is a population education project. The aim is to develop a culturally sensitive

approach to sexuality to ensure that educational reform is culturally sound. UNFPA is also addressing the high incident of female infanticide among tribal people in the Tamil Nadu area of India and family welfare activities among the tribal population of Gujarat.

89. WHO has a special programme targeting indigenous people and communities. The overall objective for WHO's Programme on Substance Abuse - Indigenous Peoples and Substance Use Project is to promote the healthy development of indigenous people and communities through the prevention and minimization of individual, family and community problems related to psychoactive substances. Many indigenous communities are exposed to non-indigenous psychoactive substances and new ways of using traditional substances. Without any tradition of such use, and with the traditional system of social control often unable to tackle the introduction of new substances, many communities and their cultures are under threat.

90. In February 1995, the United Nations Expert Group Meeting on Social Welfare Strategies Related to the Prevention of the Abuse of Alcohol and Other Licit Substances and Juvenile Delinquency Among Indigenous or Aboriginal People recommended that WHO take an active role in responding to the problem of substance use among indigenous people worldwide. WHO is identified as the most appropriate agency to provide technical assistance to Governments and indigenous communities in the formulation and implementation of national and local alcohol- and other drug-related strategic plans for indigenous people. Three indigenous professionals form the core group of the WHO Indigenous Project Team. It is envisaged that the Project Team will work within an indigenous framework to develop processes and tools that will assist indigenous communities in determining and managing issues relating to psychoactive substances within their communities. There is also a project advisory group, composed of indigenous as well as non-indigenous individuals, to provide comments and guidance on the relevant questions to the project.

91. WHO refers to a joint indigenous health initiative between WHO and the Pan American Health Organization (PAHO) entitled "Health of the Indigenous Peoples Initiative PAHO/WHO 1995-1998". PAHO/WHO have adopted a plan of action for promoting the initiative in the countries of the Western hemisphere. The Plan of Action is to be implemented in all countries of the region, in cooperation with indigenous people, through PAHO/WHO country offices working closely with ministries of health and indigenous representatives.

92. Since the release of its operational directive OD 4.20, the World Bank has been pursuing several regional initiatives in order to implement its policy on indigenous people. In the Latin America and Caribbean region, a number of recently prepared natural resource management projects contain special Amerindian land components which take into account the legal and other provisions in the Operational Directive. In the Asia and Pacific regions, much of the work has been focused on improving the performance of the World Bank and its borrowers in the critical area of resettlement planning and in incorporating the concerns of indigenous people into forestry management and conservation projects. In the African region, the focus has been on generating greater awareness of the role indigenous people's knowledge systems and institutions can play in the development process. In the Middle East and North Africa region,

the focus is on natural resource management and rural development planning in desert areas. In Europe and the Central Asia region, the projects inter alia focus on indigenous people affected by oil and other extractive industry developments.

93. The United Nations Environment Programme states that it is presently developing a programme for the purpose of implementing article 8 (j) of the United Nations Convention on Biological Diversity, with the full participation of indigenous and local communities in the planning and subsequent implementation and evaluation of any projects that are identified and funded.

94. The United Nations Department of Public Information launches multi-media information programmes on specific themes. Information on the role of the United Nations and its activities is also disseminated through radio and television programmes. These are produced regularly by national radio and television stations around the world. United Nations Radio recently produced a four-part series on indigenous issues in English and Spanish, which was distributed to 600 English-speaking and 500 Spanish-speaking radio stations around the world. The Department also states that United Nations Radio will continue to produce programmes on indigenous people in various other languages. Furthermore, radio documentaries on indigenous people will be produced throughout the International Decade of the World's Indigenous People, as part of the regular 15 minute weekly radio series that the DPI produces in 15 languages.

95. UNICEF states that, in accordance with article 32 of the Convention on the Rights of the Child, it supports a number of country-specific programmes which address child labour. These include programmes on education, health, street children, national legislation and sexual exploitation of children. UNICEF also supports a broad range of country programmes which benefit directly and indirectly indigenous children and women, such as PROANDES (Basic Services Programme for the Andean Subregion), which covers five countries (Bolivia, Colombia, Ecuador, Peru and Venezuela). In some of the countries some basic services programmes are primarily directed at indigenous people.

96. The United Nations Non-Governmental Liaison Service, through its information outreach (newsletter and other vehicles), regularly covers information relating to indigenous people and their concerns. Furthermore, on many occasions it has funded indigenous participation in different World Summits and other major United Nations conferences. The Service also provides briefing and orientation training sessions and materials to non-governmental organizations and indigenous organizations attending United Nations meetings.

97. The United Nations International Drug Control Programme states that some of its projects benefit indigenous people, although the issue of indigenous people is peripheral to its Programme. UNDCP published a booklet on Indigenous People and Drug Abuse on the occasion of the International Year of the World's Indigenous People in 1993.

98. The Division for Sustainable Development of the United Nations Department for Policy Coordination and Sustainable Development states that the secretariat of the Commission on Sustainable Development does not undertake project

implementation. Its programme is based on Agenda 21, which includes and emphasizes issues that are of importance to indigenous people.

99. The United Nations Centre for Human Settlements (Habitat) has some indigenous projects, such as training workshops and other programmes aimed at capacity-building. Programmes which focus on capacity-building through enabling indigenous people to use their own ideas and materials in the construction of community dwellings are mentioned as an example.

100. UNESCO states that, within its Focal Point Unit for the Implementation of the International Decade of the World's Indigenous People, a variety of activities are being carried out pertaining to indigenous people. A cooperation agreement between UNESCO and the Fund for Development of Indigenous People in Latin America and the Caribbean (La Paz) was signed at the 149th session of UNESCO's Executive Board, with the view to reinforcing inter-institutional partnership to support projects presented by indigenous people at a regional level.

101. UNESCO also supported the establishment of an Indigenous Training Institute in Belize benefiting from the indigenous North/South experience of partnership between the Inuits of Canada and the Maya and Garifuna people. UNESCO, in collaboration with the National University of Colombia, launched in 1995 a project entitled "Los Baudoseños", highlighting the value of cultural diversity through the peaceful inter-ethnic cohabitation developed between Afro-Colombian peasants and the indigenous Emberas. UNESCO supported and organized, together with the Association of Indigenous Writers in Mexico, the first regional workshop of indigenous writers in Tlaxcala in December 1995, with the aim of developing an interest in indigenous languages and consolidate a regional network of indigenous writers and promote the preservation and diffusion of traditional languages.

102. The United Nations Under-Secretary-General for Development Support and Management Services refers to several ongoing projects and programmes related to indigenous people which, inter alia, include the following:

(a) Highland Integrated Rural Development Pilot Project (Lao People's Democratic Republic). The basic objective of the project is to contribute to the progressive elimination of opium cultivation by the Hmong ethnic group in a remote area through the introduction of sustainable social and economic development processes;

(b) Master Plan for the Development of Isolated Communities (Indonesia). The aim of the project is to assist the Indonesian Government in drafting a plan for the development of isolated communities which have mostly indigenous people. The plan will design the strategic framework for intervention in favour of isolated communities by the public sector, civil society, and the international community;

(c) Policy Consultations on Sustainable Development (Papua New Guinea). The project consisted of an inter-agency mission by the Department for Development Support and Management Services, FAO, UNIDO, and UNESCO to provide an integrated package of policy advice to the Government on: (i) integrating

environment and development at all levels of the decision-making process; (ii) an integrated approach to the management of renewable and non-renewable natural resources; (iii) strengthening mechanisms for effective indigenous people's participation in decision-making; (iv) capacity-building for villages, communities, and grass-root non-governmental organizations.

103. UNDP identified numerous programmes and projects providing direct support to indigenous people, including the following:

(a) In April 1993, an informal consultation with indigenous representatives on the protection and promotion of indigenous knowledge;

(b) In Colombia, a project to assist in management capacity of indigenous people and workshop on land tenure and natural resource management;

(c) In Honduras, a project with indigenous groups to develop legal instruments, technical resources and human capacities in ecologically fragile areas;

(d) In Nicaragua, support for the Inter-American Indigenous Congress;

(e) In Guatemala, support for various indigenous projects and self-diagnosis as basis for a national plan;

(f) A regional programme in South-East Asia aimed at poverty reduction and participation among highland peoples in Cambodia, Laos, Thailand and Viet Nam;

(g) Assistance to the Indigenous Peoples Biodiversity Network in developing the Indigenous Knowledge Programme.

104. OECD states that while its Development Assistance Committee has not conducted any special work on indigenous people in recent years, its "Development cooperation guidelines on participatory development and good governance" do focus attention on minorities and indigenous peoples, notably in connection with human rights. Committee members have agreed to contribute through technical assistance to relevant institutions. The Guidelines encourage Committee members to ensure that aid projects have no adverse effects on the human rights of local and indigenous populations and to assist the ability of vulnerable groups, including indigenous people, to formulate and organize their preferences and interests, claim their rights and obtain redress for their grievances.

105. The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) states that it is concerned with indigenous people in its member States, although no specific programmes are under way.

106. The United Nations High Commissioner for Human Rights/Centre for Human Rights, in the framework of the International Decade of the World's Indigenous People, is currently supporting a joint human rights training project with UNESCO for indigenous people in Ecuador and Peru. It has also established an indigenous fellowship programme by which indigenous people can receive training

and practical experience in human rights at the Centre. In September 1996, the Centre sponsored and contributed to the Indigenous Peoples of the Pacific Workshop on the Draft United Nations Declaration on the Rights of Indigenous Peoples, held in Fiji.

107. Mention may also be made to the annual informal inter-agency consultations on indigenous peoples of the United Nations system in which the staff responsible for projects and programmes relating to indigenous peoples meet to exchange information and improve cooperation. The inter-agency consultations have been held since 1991, at the Centre for Human Rights or the International Labour Office. The last consultation was held prior to the fourteenth session of the Working Group on Indigenous Populations.

VI. FUNDS AVAILABLE FOR INDIGENOUS PEOPLE

108. The information available indicates, that in general, funding for indigenous programmes and projects or for other activities specifically related to indigenous people is rarely available from the various United Nations bodies. However, there are two United Nations voluntary funds administered by the Centre for Human Rights specifically designated for indigenous people. The Voluntary Fund for Indigenous Populations is a travel fund established pursuant to General Assembly resolution 40/131 of 13 December 1985. The initial purpose of the Fund was to provide financial assistance to representatives of indigenous communities and organizations who wish to attend the meetings of the Working Group on Indigenous Populations. In its resolution 50/156 of 21 December 1995, the General Assembly decided that the Fund should also be used to assist indigenous representatives to participate in the Working Group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to elaborate further a draft declaration on the rights of indigenous peoples. The Voluntary Fund is administered by the Secretary-General, who is advised by a Board of Trustees composed of five persons with relevant experience on indigenous issues serving in their personal capacity. The Members of the Board are appointed by the Secretary-General for a three-year renewable term. Currently, four of the five members are indigenous persons.

109. In its resolution 48/163 of 21 December 1993, the General Assembly authorized the Secretary-General to establish the Voluntary Fund for the International Decade of the World's Indigenous People. The Secretary-General receives and administers voluntary contributions from Governments, intergovernmental and non-governmental organizations, private institutions and individuals for the purpose of funding projects and programmes during the International Decade of the World's Indigenous People. The objectives of the Voluntary Fund for the Decade are to support the programme of activities adopted by the General Assembly and to provide assistance to projects and programmes advancing the goal of the Decade. The Assistant Secretary-General for Human Rights is appointed as Coordinator for the Decade. In its resolution 50/157, the General Assembly authorized the Centre for Human Rights to create an advisory group of persons with relevant knowledge of indigenous issues, acting in their personal capacity, to advise the Coordinator and United Nations organizations, at their request. The Advisory Group is now composed of the members of the Board of Trustees of the Voluntary Fund for Indigenous

Populations and the Chairperson-Rapporteur of the Working Group on Indigenous Populations, together with one representative from UNDP and observers from some donor countries (at present Canada, Denmark and Japan).

110. The Advisory Group has identified six main project areas as targets for the activities of the Voluntary Fund for the Decade: (a) the programme of activities and objectives of the Decade as well as the Vienna Declaration and Programme of Action as they relate to indigenous people; (b) indigenous organizational structures and procedures and their strengthening through education, training and institution and capacity-building, bearing in mind the need to respect their relevant traditions; (c) education and training in human and indigenous rights; (d) information about indigenous people and the International Decade; (e) communications and exchange between the United Nations system and indigenous people and between indigenous people; and (f) fund-raising initiatives in furtherance of the objectives of the Decade.

111. The Advisory Group has adopted the following criteria (guidelines) for selection of projects: (a) projects should be of direct benefit to indigenous people; (b) projects should be prepared by or in full consultation with indigenous people; (c) projects shall take into account gender balance; (d) particular consideration will be given to projects from underdeveloped areas in different regions; and (e) projects will be approved in relevant areas including in particular those relating to the promotion, protection and implementation of human and indigenous rights.

112. Funds are also available from the Global Environment Facility Coordination (GEF), a joint international effort between UNDP, UNEP and the World Bank, to help solve global environmental problems. These are general funds and are not earmarked for any specific group, including indigenous people. The GEF provides new and additional grants and funding to meet the incremental costs of measures to achieve global environmental benefits in four focal areas: (a) the protection of biological diversity, (b) the reduction of greenhouse gases, (c) the protection of international waters, and (d) the protection of the ozone layer. The incremental costs of activities concerning land degradation, primarily desertification and deforestation, as they relate to the four mentioned focal areas are also eligible for funding.

113. Funds are also available for indigenous communities and organizations within the framework of the Global Environment Facility. Coordination for projects aiming to contribute to the implementation of article 8 (j) of the United Nations Convention on Biological Diversity, which calls upon each contracting party to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

114. The Small Grants Programme of the Global Environment Facility Coordination, administered by UNDP, provides grants directly to non-governmental organizations, community-based organizations and local communities for projects within the GEF focal areas.

115. The Small Grants Programme of the World Bank, established in 1983 as part of its participation in the International Year for the World's Indigenous

People, has since 1992 committed itself to supporting small initiatives on development-related issues proposed by and of interest to indigenous organizations, especially in developing countries. The World Bank indicates that it intends to continue to give priority to these types of activities during the International Decade of the World's Indigenous People and that it will be actively soliciting proposals.

116. ILO states that the funds available for indigenous people are within the framework of its technical cooperation projects. The project on the rights of indigenous and tribal people is funded by Danida. The INDISCO programme is funded by various donors, including Danida, the Netherlands Government, CIDA, Agfund, the Rabobank Foundation, the United Nations Volunteers and UNDP. These funds are used to finance pilot projects' activities. Each pilot project has a revolving loan fund which receives, every year, regular contributions from the INDISCO general allocation and directly from some donors.

117. UNICEF states that some of its funds are specifically assigned to working with indigenous communities. In some countries, indigenous people make up the majority of the population, meaning that UNICEF funds allocated for that particular country are generally used for the benefit of indigenous children.

VII. FUTURE ACTIVITIES IN CONNECTION WITH INDIGENOUS PEOPLE

118. The programme of activities of the International Decade of the World's Indigenous People focuses on activities to be undertaken by the major actors: (a) the United Nations system (information as well as operational activities), (b) regional organizations, (c) Member States, (d) indigenous organizations and (e) non-governmental organizations and other interested parties, including education establishments, the media and business. The General Assembly recommends, inter alia, that:

(a) All appropriate organizations of the United Nations system should establish focal points for indigenous issues;

(b) The governing bodies of specialized agencies of the United Nations system should adopt programmes of action for the Decade in their own fields of competence;

(c) The United Nations system should prepare, publish and disseminate a manual containing practical information for indigenous people on its operations and procedures;

(d) The United Nations system should develop research on the socio-economic conditions of indigenous people, in collaboration with indigenous organizations and other appropriate partners, with the view to publishing regular reports in order to contribute to the solution of problems faced by indigenous people;

(e) Inter-agency consultations should be held on a regular basis, in order to exchange views and develop strategies on the programme of action for the Decade;

(f) Special attention should be given to improving the extent and effectiveness of the participation of indigenous people in planning and implementing the activities of the Decade, including through the recruitment, where appropriate, of indigenous nationals of Member States;

(g) The recommendations pertaining to indigenous people of all high-level international conferences, including the World Conference on Human Rights, in particular its recommendations that consideration be given to the establishment of a permanent forum for indigenous people within the United Nations system, should be implemented.

119. Some of the recommendations contained in General Assembly resolution 50/157 and its annex are currently being implemented by the United Nations system as part of its overall effort to enhance the involvement of indigenous people in its work and strengthen specific programmes and projects.

120. The Centre for Human Rights has since 1992 included indigenous people among its staff and as consultants where appropriate. This continues to be the practice. Several United Nations organizations have also examined ways of involving indigenous people on their staff. ILO, although it does not have a hiring policy regarding indigenous and tribal peoples, refers to the Project to Promote Indigenous and Tribal Peoples Rights, which is staffed and run by two indigenous and tribal persons. Other ILO technical cooperation projects also include indigenous and tribal persons within their staff and are formulated, implemented and evaluated with the involvement of the people affected. WHO also notes that indigenous people are involved in the policy planning and managerial process of its activities. Habitat states that indigenous people are not on the staff as a matter of policy; however, they are involved in field work at the level of consultation. It plans to involve indigenous people in future activities through projects focusing on land management and provision of basic services as well as those aimed at implementing the Habitat Agenda as adopted by the Habitat II Conference, particularly areas relating to the rights of indigenous people. The Conference of the Parties to the Convention on Biological Diversity has approved the creation of the post of programme officer dealing with indigenous knowledge in the Convention Secretariat. Suitably qualified indigenous candidates will be encouraged to apply.

121. As far as future activities are concerned, some United Nations organizations indicated possible areas of action. The Division for Sustainable Development of the United Nations Department for Policy Coordination and Sustainable Development states that efforts are under way to mobilize and catalyse indigenous organizations to prepare a special event for the Commission on Sustainable Development. The Secretariat of the Convention on Biological Diversity indicates that future meetings of the organs of the Convention are likely to dedicate considerable effort over the medium term to consideration of those provisions of the Convention that concern indigenous and local communities embodying traditional lifestyles. The Convention Secretariat draws attention to the fact that the Convention is the first legally binding international agreement to provide for the equitable sharing of the benefits arising from the utilization of the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles. UNDP has indicated that it plans to strengthen its focal point and develop a programme for support to indigenous

peoples. The proposals are due to be submitted to the UNDP Proposal Appraisal Committee.

VIII. VIEWS OF INDIGENOUS PEOPLE

122. As indicated in paragraph 15 of the present report, five responses were received from indigenous organizations to the letter of the Assistant Secretary-General for Human Rights concerning existing procedures, mechanisms and programmes of the United Nations system. In addition, the International Alliance for the Indigenous and Tribal Peoples of the Tropical Forest and the International Working Group for Indigenous Affairs (IWGIA), in cooperation with the indigenous people attending the fourteenth session of the Working Group on Indigenous Populations, submitted a report containing data based on a questionnaire (see annex II) distributed to indigenous people on this question.

123. The Aboriginal and Torres Strait Islander Commission (ATSIC) indicated in its reply that it supports the proposal to establish a permanent forum, calling for such a forum to have a strong operational focus and a framework for concerted implementation of indigenous rights. It also supports the maintenance of the Working Group on Indigenous Populations which, in its view, should be used as a resource for United Nations agencies. The Working Group is valued since it has less formal accreditation requirements, a greater practice of equality among the parties and a readiness to hear indigenous groups without consultative status. ATSIC also made recommendations about the possible placement, membership and agenda of the proposed permanent forum.

124. The Aboriginal and Torres Strait Islander Social Justice Commissioner refers to three issues. He notes the shortcomings of the existing human rights standards for indigenous people and stresses the importance of the elaboration of the draft declaration on the rights of indigenous peoples which would contribute to the comprehensive protection of indigenous rights. As far as existing forums open to indigenous people are concerned, the Commissioner observes that indigenous problems are of a unique and complex nature. The issues of concern to indigenous people are interrelated and inseparable and cannot be addressed under an agenda item of a body dealing with a wide range of human rights matters. The Commissioner notes the efforts being made by United Nations agencies to ensure that indigenous people are not excluded from its activities but insists that their direct involvement in a wide range of forums is necessary.

125. Azachis - Zapoteca states that the work of the United Nations is almost completely unknown to its people; it also alleges that the organizations benefiting from United Nations support are mainly those with no direct daily contact with indigenous communities.

126. The Association of Norfolk Islanders observes that the activities of the United Nations are not well known. The organization also recognizes the usefulness of the Working Group on Indigenous Populations but notes that there is little time and latitude to raise issues of concern to indigenous peoples.

127. The study undertaken by the International Alliance of Indigenous and Tribal Peoples of the Tropical Forest in cooperation with the International Work Group on Indigenous Affairs was conducted during the fourteenth session of the Working Group and included a questionnaire which elicited 73 written responses, some individually and some on behalf of delegations. More than 100 people were included in the survey. The team also conducted 15 in-depth interviews in order to get detailed views from participants about specific United Nations agencies and their idea about future developments. The survey produced written and oral responses from individuals and delegations covering well over half of the total 232 indigenous participants at the Working Group session, reflecting their geographical diversity and a broad range of experience of the United Nations system.

128. In view of the comprehensive nature of the aforementioned survey, it is deemed useful to quote at length from its findings. In examining the general awareness of the United Nations system of indigenous people, the survey notes that only 13 of the 73 indigenous people interviewed demonstrated knowledge of all the 16 United Nations agencies mentioned in the questionnaire. However, almost everyone who answered the questionnaire knew of the Commission on Human Rights, the Working Group on Indigenous Populations, ILO, WHO and UNESCO. The conclusion drawn by the survey is that most United Nations agencies are not effective at informing indigenous peoples about their existence, their work and their activities concerning indigenous peoples.

129. The survey also looked at indigenous involvement in the activities of the United Nations system. A recurring problem identified in most of the responses from indigenous participants is that indigenous people were rarely approached by the United Nations or its agencies, but that they had to investigate the system themselves and make initial contact. Thus, most indigenous awareness of the United Nations and its agencies is not, on the whole, the result of specific work by the United Nations but the result of initiatives by indigenous people themselves.

130. United Nations agencies were criticized for not consulting sufficiently with indigenous people and creating poorly formulated action plans. Several references were made to the poor quality of staff members who are ignorant of, or even hostile to, indigenous people. Many indigenous participants complained that the United Nations and its agencies did not try to reach out to regions and indigenous local communities, which means that the majority of indigenous people have little idea of what is taking place internationally.

131. Some indigenous participants expressed the view that, whereas some information is available at most United Nations meetings, the preparation and follow-up by United Nations agencies is poor. Often reports are not distributed to participants at meetings and they never hear of the results of their deliberations.

132. The Working Group on Indigenous Populations was considered by the majority of indigenous participants as a successful United Nations initiative. Many indigenous participants also remarked on the significance of having indigenous members on the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations.

133. The survey also included detailed interviews in which observations were made on specific United Nations agencies and bodies. A summary of some of the comments is contained in the following paragraphs.

134. Convention on Biological Diversity. Respondents criticized the minimal participation of indigenous people in the drafting of the Convention. It was also stated that increased indigenous participation in Convention-related meetings was essential for the credibility of the Convention.

135. United Nations High Commissioner for Human Rights. Several respondents had comments on the High Commissioner. Whereas his presence at the meeting of the Working Group on Indigenous Populations was viewed as positive, there was concern that in his report to the Commission on Human Rights on the restructuring of the United Nations Centre for Human Rights the question of indigenous people was not included, even though the Working Group is the largest meeting under the Commission.

136. Commission on Human Rights. Most of the criticisms of the Commission were directed at the participation procedure by which only non-governmental organizations in consultation with the Economic and Social Council could participate. Some indigenous representatives expressed the view that their interventions and attendance too often became symbolic activities and that the meeting did not consider their complaints adequately. The inclusion of a separate indigenous item (entitled "Indigenous issues") in the agenda of the Commission was welcomed. Furthermore, the staff at the Centre for Human Rights was said to respond regularly to and answer letters from indigenous organizations, unlike several other United Nations agencies.

137. Subcommission on Prevention of Discrimination and Protection of Minorities. The criticisms of the Subcommission were also mainly directed at its participation procedure, which was seen as an obstacle for indigenous organizations since consultative status with the Economic and Social Council was required.

138. Working Group on Indigenous Populations. The Working Group was strongly supported for its participation procedures, which allow indigenous people, organizations and communities to participate regardless of consultative status with the Economic and Social Council. The Working Group had been successfully following up initiatives raised by indigenous peoples, such as the Treaty Study, International Indigenous Day, the International Year (1993), the Decade (1995-2004) and the permanent forum. Furthermore, it was said that the Working Group was aware of indigenous people's concerns, unlike several other United Nations bodies and organs. However, participants also felt that the Working Group allowed Governments more time to speak than indigenous participants. Some people interviewed said that they found the Working Group members intimidating and that indigenous people were too frequently cut off during their speeches.

139. Inter-sessional open-ended Working Group of the Commission on Human Rights. Many felt that the process of accreditation was demeaning, although in practice a large number of indigenous organizations were able to attend the first session of the Working Group. Those who had attended commented on the receptivity of

the Chairperson-Rapporteur, Mr. José Urrutia (Peru), and saw his continuing fair approach as a key to its success.

140. Commission on Sustainable Development. It was remarked that participation procedures at the Conference on Sustainable Development were more flexible than at the Commission on Human Rights, and that indigenous people could make presentations and lobby; however, there was still a lack of information and dissemination of material, which was overly oriented to Agenda 21.

141. FAO. Some expressed the view that FAO had a low appreciation of indigenous issues and that indigenous questions were too often dissolved into the concerns of farmers. It was further observed that FAO, Governments and non-governmental organizations did not understand the complementary nature of indigenous and farmers' rights.

142. ILO. Many indigenous representatives were of the opinion that indigenous participation in the ILO structure could be improved. For instance many considered that the participation of indigenous people in the revision of ILO Convention No. 107 on Indigenous and Tribal Peoples had been inadequate. Several mentioned that the structure of the organization was very bureaucratic and that it was extremely difficult to get cases heard at the Committee on Standards. While some said that ratification of Convention No. 169 on Indigenous and Tribal Peoples was necessary in certain parts of the world, others said Convention No. 169 was too weak on indigenous rights issues. Many also sought information on the applicability for indigenous people of other ILO Conventions. Some expressed the view that the INDISCO programme did not take into account the wishes of the local people and that the programme agenda was inflexible and imposed its own criteria too much.

143. UNDP. Several indigenous participants commented that they had written to UNDP several times without receiving any reply. Some indigenous representatives expressed concern about UNDP's support for mining activities on indigenous lands, while others said that the organization was not transparent enough. Some indigenous participants said that the UNDP did not work in developed countries, and that it was bypassing indigenous people living in poverty in the North.

144. UNEP. It was stated that indigenous communities found gaining access to UNEP's Small Grant Programme difficult, inter alia, owing to lack of information about the programme. Some of the criticisms of UNEP were directed at it because it was said not to be talking sufficiently to indigenous people from the North.

145. UNESCO. Some indigenous representatives said that UNESCO's programmes relevant to indigenous people were little known among indigenous people. UNESCO was given credit for not approving the Human Genome Project.

146. UNHCR. Whereas several indigenous representatives commented that the UNHCR had helped them or people they had known as refugees, others said that the UNHCR bureaucracy had ignored many indigenous refugees.

147. UNICEF. Very few respondents were aware of UNICEF's work based on the Convention on the Rights of the Child. Some referred to UNICEF's programme

activities, and said that these were too often designed and implemented according to government procedures rather than responding to local needs.

148. WHO. Some indigenous representatives said that there had recently been progress within the WHO system in favour of indigenous issues. It was also said that there has been an opening in certain international meetings where indigenous medicine has been recognized as a significant factor in world health.

149. WIPO. WIPO was criticized by indigenous representatives. It was said that WIPO only appeared interested in the Eurocentric, Western framework of intellectual property rights, where knowledge was treated as a commodity for exchange. The importance of protecting indigenous peoples' cultural property was emphasized.

150. World Bank. Some indigenous representatives said that the World Bank occasionally encouraged indigenous people to come to some of its meetings, and that the Bank has provided space for indigenous input into its Operational Directive on Indigenous Peoples. Most of the concerns of indigenous people related to how World Bank projects affected indigenous people, inter alia, in the hydro-electric, mining, thermal and migration sectors.

151. The specific comments mentioned above about the United Nations agencies and bodies reinforce the general comments made by indigenous representatives. In spite of some positive experiences, indigenous representatives generally experience a lack of information, of participation, of consultation and of communication. Indigenous representatives consider that the United Nations institutions are closed entities dominated by Governments and unaccountable experts while they feel that their local needs are not addressed.

152. Almost all of the responses to the questionnaire made suggestions as to the way in which the United Nations system can improve indigenous people's involvement in its activities:

(a) Participation. Indigenous representatives emphasize the need for a better access for indigenous people to the United Nations system, so that they can participate at all levels of the United Nations regardless of consultative status with the Economic and Social Council. Indigenous people want to be fully consulted before agencies plan activities which concern them. They also state that they should be involved in decision-making processes. It was also suggested that indigenous people should be included in all meetings, policy consultations and monitoring and implementation activities which affect them and that more indigenous people should be employed within the United Nations, following the positive example of ILO, the Centre for Human Rights and the Secretariat for the Convention on Biological Diversity;

(b) Information. It was said that the United Nations must make a special effort to ensure that documentation and information reaches indigenous people and the national societies;

(c) Training. It was suggested that the United Nations should strengthen its activities to support the training and education of indigenous people in their areas of competence;

(d) Regional and local activities. Indigenous representatives emphasized the necessity of having regional and local indigenous consultations;

(e) Coordination. There are several areas where it was suggested that coordination could be improved:

(i) Indigenous people's networks need to be strengthened. This will facilitate indigenous processes for decision-making and empower their presence within the United Nations system. Indigenous preparatory meetings were singled out as particularly important in the United Nations context;

(ii) There is a great need for indigenous people and Governments to meet on a regular basis to have a dialogue on planning and implementation of United Nations activities and international provisions for indigenous people;

(iii) There needs to be greater coordination between United Nations agencies and indigenous people. This could take the form of regular meetings between indigenous representatives and the relevant agencies and by establishing indigenous desks in the respective agencies. Decentralized United Nations agency offices in each country were also mentioned as a possible way of improving the cooperation between United Nations agencies and indigenous people;

(iv) Coordination between United Nations agencies was said to be the key element in any attempt to improve the situation in favour of indigenous people, in order to work out a coherent overall strategy for promoting the cause of indigenous people. A focal point body within the United Nations, possibly a permanent forum, was suggested as a way for different agencies working with indigenous questions to coordinate their activities with Governments and indigenous people.

IX. CONSIDERATION OF A PERMANENT FORUM FOR INDIGENOUS PEOPLE WITHIN THE UNITED NATIONS

153. At its fourteenth session, the Working Group on Indigenous Populations considered the question concerning the establishment of a permanent forum for indigenous people within the United Nations system, which is reflected in paragraphs 109 to 121 of its report. 5/ In its resolution 1996/35 of 29 August 1996, the Subcommission on Prevention of Discrimination and Protection of Minorities requested the Secretary-General, in preparing his review of existing mechanisms, procedures and programmes concerning indigenous people, to take into account the views and opinions on the permanent forum expressed at the fourteenth session of the Working Group and the information received from indigenous people and communities, as well as from Governments. For this reason, it is considered useful to include a summary of the discussions of the Working Group in the present report.

154. A number of Governments stated that they considered the establishment of a permanent forum to be a high-priority issue and that the establishment of the

permanent forum should take place as soon as possible. It was said that the forum should have a broad mandate and that it should extend beyond a narrow human rights focus to include issues such as economic, social, cultural, political, civil, educational and developmental issues as well as play a role in the coordination of all relevant United Nations activities. It was said that the forum should be placed at a high level within the United Nations; some indicated that it should be at the level of the Economic and Social Council.

155. The representatives of indigenous people attending the Indigenous Peoples' Preparatory Meeting for the Working Group on Indigenous Populations presented a joint statement on the question of the establishment of the Permanent Forum (see annex III). It states, inter alia, that the permanent forum should not be a replacement for the Working Group on Indigenous Populations and that it should be established at the highest level of the United Nations, as a subsidiary body of the Economic and Social Council or the General Assembly. Furthermore, that it is essential that indigenous people have similar access to the forum as they have to the Working Group. The statement also focuses on the role of the specialized agencies, that they should play an active part in the deliberations of the forum, and report to the forum on their activities of special interest to indigenous people.

156. Indigenous representatives said that the permanent forum should be established at the highest possible level within the United Nations system, at the minimum as a subsidiary body of the Economic and Social Council. Some indigenous representatives indicated that a future permanent forum could be established as a functional commission. It was also said that the forum could be called the "United Nations Commission on the Status of Indigenous Peoples".

157. Governments as well as indigenous representatives were of the opinion that the permanent forum should not duplicate the work of the Working Group on Indigenous Populations. It was also said that the Working Group should continue its work and that the forum should not be seen as an alternative to the Working Group.

158. Some indigenous representatives elaborated on the question of the composition of the permanent forum. It was emphasized that the forum should consist of an equal number of members from Governments and indigenous people on the basis of equal geographical distribution. Some indigenous representatives were of the opinion that independent experts could be additional members of the forum.

159. Indigenous people as well as many Governments welcomed the initiative of the Government of Chile to host the second workshop on the possible establishment of a permanent forum in 1997. The Secretary-General's review of existing mechanisms, procedures and programmes and the planned second workshop were identified as essential elements in the process pertaining to the establishment of a permanent forum.

160. The research on indigenous perceptions of the United Nations system carried out during the fourteenth session of the Working Group on Indigenous Populations shows that a majority of the respondents considered the establishment of a permanent forum as an essential means for solving many of the difficulties

identified in the relationship between indigenous people and the United Nations system. Of those questioned, only two opposed the idea of a forum because they were sceptical that it would work, while 15 wanted more information before offering an opinion. Many of the indigenous respondents provided detailed ideas on the permanent forum, which could be classified under several headings:

(a) Position within the United Nations. These indigenous respondents want the forum placed as high as possible within the United Nations system. Opinions fell into two areas. Some favoured placing the forum directly under the General Assembly and an equal number considered a body under the Economic and Social Council to be appropriate. No one suggested placing the forum lower than these levels;

(b) Indigenous participation. The respondents were of the opinion that participation should be on the basis of open access for all indigenous people, and that the organization of the forum should be based on the principle of freedom of speech. Those attending the forum should be clearly representative of indigenous people and from all continents;

(c) Structure. The respondents identified two possible structures. One suggestion was as an independent agency similar to the United Nations Centre against Apartheid. Another suggestion was that of a "United Nations Commission on the Status of Indigenous Peoples". It was said that the forum should consist of representatives of Governments, indigenous people and specialized agencies and a smaller focal group of indigenous, governmental and expert members. Several respondents felt that the focal group should not be too big, and maybe not more than 12 members. It was also said that the forum might be centred in one place, such as Geneva or New York, but it must have the means to provide regular regional meetings. There was also a suggestion that a "High Commissioner for Indigenous People" should be established;

(d) Mandate. Respondents emphasized that a forum should have a broad mandate covering not only human rights questions, but sustainable development, the environment, education, health, culture and any other matters pertaining to indigenous people. It would provide coordination between United Nations agencies and bodies and information and access to them. Furthermore, it was said that the forum should monitor the implementation of international instruments relating to indigenous people; and that it should carry out fact-finding missions, organize expert meetings, make recommendations and decisions as well as plan and instigate discussion on indigenous questions;

(e) Funding. Respondents were of the opinion that funding should come from the ordinary United Nations budget;

(f) Role of the Working Group on Indigenous Populations. There was concern from almost all the respondents that the permanent forum should not jeopardize the Working Group on Indigenous Populations. They expressed satisfaction with the work of the Working Group and emphasized that the forum should not be seen as an alternative body.

X. CONCLUSIONS

161. The generally positive response by organizations and departments of the United Nations system to the request for information made by the Assistant Secretary-General for Human Rights indicates a growing interest and concern for indigenous issues. It is clear also that the activities of some intergovernmental organizations have more direct relevance to indigenous people than others. However, there is a noticeable difference in the level of activity even among United Nations bodies whose mandates have a bearing on indigenous people's concerns.

162. For practical and historical reasons, the United Nations Centre for Human Rights and the International Labour Office have had greatest direct contact with indigenous organizations. In particular, the Working Group on Indigenous Populations, established in 1982, has served as a principal entry point into the United Nations as a whole for indigenous people. It has also developed a relatively open procedure for participation. It is appreciated by indigenous people for these reasons.

163. As will be recalled, the proposal to undertake a review of existing mechanisms, procedures and programmes within the United Nations relating to indigenous people was first made by the Workshop on a possible permanent forum for indigenous people, held at Copenhagen in June 1995. The context of that recommendation was the sense that there was not sufficient information available about the current activities of the United Nations system on this question and that before a decision could be taken to further deepen the discussions on a possible permanent forum, such a review should be completed.

164. What emerges from the review is both encouraging and troubling. On the positive side, it may be suggested that the efforts by the United Nations and certain of its organs, the Subcommission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights in particular, and initiatives by the General Assembly itself, namely the decisions to proclaim an International Year for the World's Indigenous People and now an International Decade, have contributed to the generation of widespread public interest in the issue of indigenous people, renewed national commitment to improving the conditions of these peoples, and international initiatives to support these activities.

165. On the other hand, there are apparent lacunae and inconsistencies within the United Nations system on this issue. For example, there are no internationally accepted guidelines on the rights of indigenous peoples, although ILO Convention No. 169 is used as reference by certain United Nations bodies and is a framework for governmental policy in the 10 countries which have ratified it to date. The draft declaration currently being reviewed by the Commission on Human Rights will become the universal standard only when it is adopted by the General Assembly. Only the World Bank has elaborated operational guidelines on indigenous peoples. Nonetheless, among the United Nations agencies, as has been noted, there are wide divergences in approach and level of involvement. Note should also be taken of the declaration and programmes of action of recent high-level conferences that indicate, sometimes in detail, directions that could be taken by the international system and Governments.

These high-level conferences include the United Nations Conference on Environment and Development and in particular its Agenda 21, chapter 26, "Recognizing and strengthening the role of indigenous people and their communities", the Vienna Declaration and Programme of Action; the International Conference on Population and Development; the World Summit for Social Development (Copenhagen Declaration and Programme of Action); the Fourth World Conference on Women (Platform of Action and Beijing Declaration) and Habitat II. More particularly, the different United Nations organizations relate to indigenous people in quite distinct ways. Some United Nations meetings, even those dealing directly with indigenous matters, offer relatively open participation, while others are almost completely closed off to indigenous organizations. Above all, there are virtually no mechanisms in the United Nations organizations which give the nominated representative of indigenous organizations or peoples an opportunity to provide expert advice or take part in decision-making. In most instances referred to in the report, United Nations agencies select from their own list of indigenous organizations or experts. One of the few examples of indigenous involvement in decision-making is the Board of Trustees of the Voluntary Fund for Indigenous Populations, in which indigenous people, acting in their individual capacity, make recommendations on disbursements of funds.

166. The fact that there are now a number indigenous-related programmes and projects being implemented and planned by United Nations agencies only underlines the striking absence of a mechanism to ensure regular exchange of information among the concerned and interested parties - Governments, the United Nations system and indigenous people - on an ongoing basis. Furthermore, at a time of financial stringency, it might be prudent to consider measures which help to avoid duplication and strengthen cooperation and consistency of approach. In particular, it might be seen as particularly important, both from a human rights perspective and for cost-effectiveness to establish procedures that help to avoid projects and programmes in indigenous areas which are unwelcome by the supposed beneficiaries. In this respect it is fitting to recall the commitment of the General Assembly to the principle of full and effective involvement of indigenous people in the planning, implementation and evaluation of projects affecting them. The information provided by the United Nations agencies does not indicate that adequate procedures are already in place to accommodate the General Assembly's recommendation.

Notes

1/ E/CN.4/Sub.2/1986/7 and Add.1-4.

2/ E/CN.4/Sub.2/1991/33.

3/ E/CN.4/Sub.2/1992/32, E/CN.4/Sub.2/1995/27 and E/CN.4/Sub.2/1996/23.

4/ E/CN.4/Sub.2/1991/49, E/CN.4/Sub.2/1992/54 and E/CN.4/Sub.2/1994/40.

5/ E/CN.4/Sub.2/1996/21.

ANNEX I

Questionnaire on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people

The following questionnaire on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people was sent to United Nations departments, organs, programmes and agencies as well as other relevant intergovernmental organizations:

General meetings

Are indigenous people able to attend, participate or contribute to decision-making in any of the general or legislative bodies of your organization?

How can they participate, if they do so?

How many actually participate?

Meetings on indigenous issues

Does your organization hold regular scheduled meetings on indigenous issues?

How often are they held? When?

On what basis can indigenous representatives attend? Can they participate? Are they involved in the decision-making process in any way?

How are indigenous people informed about these meetings?

Does your organization hold any ad hoc or special meetings or consultations on indigenous issues? How often? On what themes? Are they open to all indigenous representatives or a selected group? How is the selection made?

Research, policy planning, guidelines related to indigenous people

Does your organization have any internal policy guidelines regarding its activities with indigenous people?

What is the experience of your organization in implementing these policy guidelines?

How are indigenous people involved in research or policy planning on issues concerning them?

As a matter of hiring policy, are any indigenous people on the staff or involved in indigenous matters as consultants?

Programmes and projects

Does your organization have any specific programmes or projects for indigenous people?

How are indigenous people involved in the planning, implementation and evaluation of such programmes or projects in the field?

Are any special funds available for indigenous people and projects? How are the funds publicised? How are they disbursed? What role do indigenous representatives have in the disbursement of these funds?

Future activities in connection with indigenous people

What plans do you have for future involvement of indigenous people in your activities?

Do you have any other comments you wish to make?

ANNEX II

Questionnaire on indigenous peoples and United Nations agencies

The following questionnaire was distributed to indigenous representatives at the fourteenth session of the United Nations Working Group on Indigenous Populations, held at Geneva from 29 July to 2 August 1996:

Agencies covered:

Commission on Human Rights

Commission on Sustainable Development

Convention on Biological Diversity

Food and Agriculture Organization of the United Nations (FAO)

Intersessional open-ended Working Group of the Commission on Human Rights

International Labour Organization (ILO)

United Nations Children's Fund (UNICEF)

United Nations Development Fund for Women (UNIFEM)

United Nations Development Programme (UNDP)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Environment Programme (UNEP)

United Nations Population Fund (UNFPA)

Office of the United Nations High Commissioner for Refugees (UNHCR)

World Health Organization (WHO)

World Intellectual Property Organization (WIPO)

World Bank

Questions:

Do you want to be identified for the purpose of this questionnaire, if yes, how?

1. Have you heard of any of these agencies?

2. Have you had dealings with any of these agencies or do you know anyone who has been involved with these organs?

3. What dealings did you have with them?

   (a) General meetings

   (b) Meetings on indigenous issues

   (c) Research, policy planning and guidelines

   (d) Programmes and projects

4. What were the results of these contacts?

5. How can the involvement of indigenous peoples in United Nations agencies be improved?

6. In the light of your experiences, what are your ideas about a permanent forum?

7. Have you previously attended the United Nations Working Group on Indigenous Populations?

ANNEX III

Joint indigenous statement made at the fourteenth session of the United Nations Working Group on Indigenous Populations, held at Geneva from 29 July to 2 August 1996

'Statement by the Indigenous Caucus which reached consensus at the Indigenous Peoples' Preparatory Meeting on Saturday, 27 July 1996, at the World Council of Churches.

1. In resolution 50/157 of 21 December 1995, the General Assembly reiterates the establishment of a permanent forum for indigenous peoples to be one of the main objectives of the Decade. We welcome this commitment of the General Assembly, and expect to see more concrete results on this issue after the fifty-first session of the General Assembly.

2. The permanent forum should not be a replacement for the Working Group on Indigenous Peoples. This forum must have the necessary mandate and resources to meet these obligations.

3. The permanent forum should be provided at the highest level of the United Nations, either at the Economic and Social Council or the General Assembly.

4. The United Nations process for indigenous peoples is cumbersome and highly technical and currently operates to exclude indigenous peoples from the United Nations.

5. The permanent forum should be an open access to indigenous nations and peoples. The Indigenous Caucus does not support exclusiveness and inflexibility, but rather inclusiveness and flexibility similar to that which obtains at the Working Group on Indigenous Peoples. This should also apply to any future workshops on the permanent forum that have been recommended in document E/CN.4/Sub.2/AC.4/1996/5.

6. In conclusion, we emphasize that it is also crucial that specialized agencies play an active part in the forum's deliberations, and that they report to the forum on their activities of special interest to indigenous peoples.